

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
ASBESTOS LITIGATION

Docket No: L-5385-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

FRANCIS MONAHAN, <i>Plaintiff(s),</i> vs. AUGUAT ARACE & SONS, et al <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 28, 2017:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman	Vincent Cheng	Plaintiff(s)
Connell Foley	Scott Press	August Arace
Landman Corsi	Alex Marcus	Anheuser-Busch
Margolis Edelstein	Dawn Dezii	Woolsulate
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil
McGivney Kluger	Kevin Hoffman	Binsky & Snyder; TJ McGlone
McGivney Kluger	Caitlin Bodtmann	John Wallace
Millet & Associates	Richard D. Millet	NL Industries
Pepper Hamilton	Nicholas Kouletsis	Bristol Myers Squibb
Porzio Bromberg	Michelle Burke	Wyeth Holdings LLC
Ricci Tyrrell	Nancy Green	Chicago Bridge & Iron
Ronan Tuzzio	Michael Tuzzio	Muhlenberg Hospital
Styliades Mezzanotte	Patricia Lyons	Sherman & Chaplin
Wilson Elser	Joseph Hanlon	Prudential

IT IS on this 28th day of March, 2017, *effective from the conference date*;

ORDERED as follows:

Counsel receiving this Order through computerized electronic medium (E-Mail) shall be deemed by the court to have received a copy of the filed original court document. Any document served pursuant to this Order shall be deemed to be served by mail pursuant to R.1:5-2.

DISCOVERY

- April 17, 2017 Chicago Bridge & Iron shall serve answers to standard interrogatories by this date.
- April 28, 2017 As to new defendants, plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 2, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

- April 28, 2017 New defendants shall propound supplemental interrogatories and document requests by this date.
- June 2, 2017 Plaintiff and third-party defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 2017 Fact discovery, including depositions, shall be completed by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if all fact discovery is not completed.
- July 31, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- August 18, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- August 18, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 1, 2017 Summary judgment motions shall be filed no later than this date.
- September 29, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- November 3, 2017 Plaintiff shall serve medical expert reports by this date.
- November 3, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 5, 2018 Defendants shall identify its medical experts and serve medical reports, if any, by this date. In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.

LIABILITY EXPERT REPORTS

- November 3, 2017 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.
- January 5, 2018 Defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.
- February 2, 2018 Third-party defendants shall identify its liability experts and serve liability expert reports, if any, by this date or waive any opportunity to rely on liability expert testimony.

EXPERT DEPOSITIONS

- February 28, 2018 Expert depositions shall be completed by this date. To the extent that plaintiff and defendant generic experts have been deposed before, the parties seeking that deposition in this case must file an application before the Special Master and demonstrate the necessity for that deposition. To the extent possible, documents requested in a deposition notice directed to an expert shall

be produced three days in advance of the expert deposition. The expert shall not be required to produce documents that are readily accessible in the public domain.

PRE-TRIAL AND TRIAL

June 13, 2017 The settlement conference previously scheduled on this date is **cancelled**.

February 22, 2018 @ 10:00am Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone. Any request to be excused from the settlement conference shall be made to the Special Master no later than 4:00pm of the day prior to the conference.

March 26, 2018 Trial Date. *(The July 10, 2017 trial is adjourned to this date.)*

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ana C. Viscomi
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort