

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

JEANNINE NICHOLS, vs. AMERICAN BILTRITE INC., et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
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Docket No: L-8064-18 (AS)

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 19, 2019:

FIRM	ATTORNEY	CLIENT
Early Law Firm	Mark Bibro	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide
Caruso Smith	Richard V. Jones	Metropolitan Life
Margolis Edelstein	Nicholas Sulpizio	Woolulata Corp.
Marshall Dennehey	Doug Suplee	Warren Pump
McElroy Deutsch	Michelle Hydrusko	ExxonMobil Oil Corp.
McGivney Kluger	Caitlin Bodtmann	Nash Engineering
Pascarella DiVita	Bradley E. Bishop	Crane Co.; Ingersoll Rand
Rawle & Henderson	Susan Riechelson	American Biltrite
Tanenbaum Keale	David Blow	CBS Corp.; Foster Wheeler; General Electric

IT IS on this 19th day of March, 2019, *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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

March 29, 2019 Defendants shall serve answers to standard interrogatories by this date.

April 12, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.

May 13, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 12, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

May 13, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 14, 2019 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.

June 14, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 1, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

June 1, 2019 Plaintiff shall serve medical expert reports by this date.

June 1, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 26, 2019 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

June 17, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

July 26, 2019 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.

SUMMARY JUDGMENT MOTION PRACTICE

July 19, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 2, 2019 Summary judgment motions shall be filed no later than this date.

August 30, 2019 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

September 27, 2019 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

September 12, 2019 @ 1:30pm Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

October 21, 2019 Pretrial Information Exchange submissions due.

October 28, 2019 Trial-Ready 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