

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

**Docket No:** L-5647-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

GAIL PERO (Estate of Charles Pero),  vs.  AARON & COMPANY, et al	<i>Plaintiff(s),</i>     <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 21, 2019:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Connell Foley	Richard Jagen	August Arace
Eckert Seamans	Ezra Alter	JCP&L
Garrity Graham	Anthony Marino	United Conveyor Corp.
Gibbons PC	Alan R. Gries	JAM Industries
Hack Piro	Christian Corso	Johansen
Hardin Kundla	Nicea D'Annunzio	Aaron & Co.; Calon Insulation
Margolis Edelstein	Nicholas Sulpizio	Woolsulate
Marshall Dennehey	Paul Johnson	Riley Power
McElroy Deutsch	Nancy McDonald	Exxon
McGivney Kluger	Jeffrey Kluger Jennifer Hally	Madsen & Howell; Brand Insulation; HM Royal
Morgan Lewis	Patrick Elkins	Goulds Pumps
O'Toole Scrivo	Gary Van Lieu	E&B Mill Supply
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand
Reilly McDevitt	Hena Kumar	Cleaver Brooks
Tanenbaum Keale	David Blow	Foster Wheeler
Wilbraham Lawler	Josette Spivak	PSEG
Wilson Elser	Joseph Hanlon	Chevron

IT IS on this 21<sup>st</sup> day of May 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.

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**

- June 14, 2019 Defendants shall serve answers to standard interrogatories by this date.
- June 28, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 31, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 28, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 31, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 30, 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.
- September 30, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- November 8, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- September 30, 2019 Plaintiff shall serve medical expert reports by this date.
- February 7, 2020 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**

- October 30, 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.
- February 7, 2020 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**

- November 8, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 22, 2019 Summary judgment motions shall be filed no later than this date.
- December 20, 2019 Last return date for summary judgment motions.

## **EXPERT DEPOSITIONS**

- March 6, 2020 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**

February 20, 2020 @ 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 30, 2020 Trial Date. (*The June 24, 2019 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