

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

Docket No: L-3447-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

RICHARD PETRUSHEVICH, <i>Plaintiff(s),</i>
vs.
CATERPILLAR INC., 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 December 6, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Hoagland Longo	Jillian Madison	Johnson Controls
Marks O'Neill	Sebastian Goldstein	Caterpillar

IT IS on this 7th day of **December, 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

- | | |
|-------------------|---|
| January 5, 2018 | Defendants shall serve answers to standard interrogatories by this date. |
| January 19, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| February 28, 2018 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| January 19, 2018 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| February 28, 2018 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |
| March 9, 2018 | 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. |

April 9, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

June 22, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

June 22, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 6, 2018 Summary judgment motions shall be filed no later than this date.

August 3, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

June 8, 2018 Plaintiff shall serve medical expert reports by this date.

September 28, 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

June 8, 2018 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.

September 28, 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.

EXPERT DEPOSITIONS

October 26, 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

January 23, 2018 The settlement conference previously scheduled on this date is **cancelled**.

November 2, 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.

December 3, 2018 Trial Date. (*The February 20, 2018 trial date 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