

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

Docket No: L-3447-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of 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 May 23, 2018:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Dickie McCamey	Michael Willison	Monmouth Marine Engines
Hoagland Longo	Jillian Madison	Johnson Controls
Kelley Jasons	Angela Caliendo	Square D
Marks O'Neill	Eileen Ford	Caterpillar, Inc.
Morgan Lewis	Patrick Elkins	ITT; Goulds Pumps
Tanenbaum Keale	Robert M. Gilmartin, Jr.	Perkins Engines, Inc.

IT IS on this 4th day of **June, 2018**, *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

- | | |
|-----------------|--|
| July 6, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| August 13, 2018 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| July 6, 2018 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| August 13, 2018 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |

September 28, 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.

September 28, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

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

SUMMARY JUDGMENT MOTION PRACTICE

January 4, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 18, 2019 Summary judgment motions shall be filed no later than this date.

February 15, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

November 2, 2018 Plaintiff shall serve medical expert reports by this date.

April 1, 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

November 2, 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.

April 1, 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.

EXPERT DEPOSITIONS

April 30, 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

November 2, 2018 The settlement conference previously scheduled on this date is **cancelled**.

April 11, 2019 @ 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.

May 28, 2019 (*Tuesday*)

Trial Date. (*The December 3, 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