

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

Docket No: L-3447-17 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

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| 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 September 13, 2018:

| FIRM | ATTORNEY | CLIENT |
|-------------------------|-------------------|----------------------------|
| Cohen Placitella & Roth | Rachel Placitella | Plaintiff(s) |
| Caruso Smith | Alexandra Caruso | CertainTeed; Union Carbide |
| Dickie McCamey | William Smith | Monmouth Marine Engines |
| Kelley Jasons | Angela Caliendo | Square D |
| Morgan Lewis | Patrick Elkins | ITT; Goulds Pumps |
| Tanenbaum Keale | James Keale | Perkins Engines, Inc. |

IT IS on this 17th day of **September, 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

December 14, 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.

December 14, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

March 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

March 15, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 29, 2019 Summary judgment motions shall be filed no later than this date.

April 26, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

February 28, 2019 Plaintiff shall serve medical expert reports by this date.

June 28, 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

February 28, 2019 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.

June 28, 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

July 29, 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

April 11, 2019 The settlement conference previously scheduled on this date is **cancelled**.

July 19, 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.

August 26, 2019 Trial Date. (*The May 28, 2019 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