

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

|           |           |
|-----------|-----------|
| PSE&G XIV |           |
| GRAHAM    | L-896-14  |
| POSKAY    | L-2610-14 |

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 22, 2017:

| FIRM                      | ATTORNEY                     | CLIENT   |
|---------------------------|------------------------------|--|
| Wilentz Goldman & Spitzer | Vincent Cheng                | Plaintiff(s)   |
| Bodell Bove               | Todd McGarvey                | Linden Auto Parts  |
| DeCotiis Fitzpatrick      | Michael Moroney              | Spirax Sarco   |
| Forman Watkins            | Thomas M. Toman, Jr.         | Cooper Industries  |
| Gibbons PC                | Mark Galdieri                | Honeywell International  |
| Hoagland Longo            | Jillian Madison              | AGL Welding; McJunkin Red Man Corp.  |
| Kelley Jasons             | Dana Maugeri                 | Henkels & McCoy  |
| Kent McBride              | Bradley Lawrence             | Mine Safety Appliance  |
| Langsam Stevens           | Robert Stickle               | Zy-Tech  |
| Margolis Edelstein        | Jeffrey Hall-Gale            | Woolsulate; United Energy & Construction   |
| McGivney Kluger           | Joel Clark<br>Thomas McNulty | Madsen & Howell; Triangle; Triangle PWC; DAP; Fairbanks; Raritan Supply; Graybar Electric; SM Electric; Furnino & Sons; Bergen Industrial; J. Heller |
| O'Toole Scrivo            | Max Sverdlove                | Cooper Electric  |
| Pascarella DiVita         | Joshua Greeley               | Ingersoll Rand   |
| Reilly Janiczek           | Michelle Cappuccio           | Leeds & Northrup   |
| Spezailli Greenwald       | Joanne Hawkins               | General Electric; CBS; Foster Wheeler  |
| Tierney Law Office        | Brian Garbaez                | Elizabeth Industrial; AJ Friedman; Major Inc.  |

IT IS on this 24<sup>th</sup> day of **May, 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.

These matters are hereby consolidated for discovery, case management and trial.

**DISCOVERY**

September 1, 2017      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 1, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 3, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 29, 2017 Summary judgment motions shall be filed no later than this date.

October 27, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

December 1, 2017 As to Poskay, plaintiff shall serve medical expert reports by this date.

November 17, 2017 As to Poskay, upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 19, 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**

December 1, 2017 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.

January 19, 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.

### **ECONOMIST EXPERT REPORTS**

December 1, 2017 As to Poskay, plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

January 19, 2018 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

### **EXPERT DEPOSITIONS**

February 9, 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**

September 28, 2017                    The settlement conference previously scheduled on this date is **cancelled**.

December 6, 2017 @ 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.

February 7, 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.

March 5, 2018                         Trial Date. (*The October 30, 2017 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