

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

**Docket No:** L-2527-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

SUZANN & DAVID REINERT, <i>Plaintiff(s),</i>
vs.
AMERICAN BILTRITE 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 20, 2018:

FIRM	ATTORNEY	CLIENT
Belluck & Fox	William Papain	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide; CertainTeed
Goldfein & Joseph	Willard Preston	Domco Products Texas Inc.
Landman Corsi	Jessica Seiden	Tremco; ECR
Lasser Hochman	Richard Zucker	Herculite Mason Supply
Marshall Dennehey	Arthur Bromberg	Marjam Lumber
McElroy Deutsch	Kate Chetta	Builders First
McGivney Kluger	Trish Wilson	Homasote Co.; DAP; Marley Cooling; Bradco Supply
McMahon Martine	Melissa Reitberg	Henning Building Supply
Millet Law Office	Richard Millet	National Lead
O'Toole Scrivo	Leslie Lombardy Franklin Paez	E&B Mill Supply; Sipersteins
Pascarella DiVita	Joshua Greeley	Rheem Mfg.; General Cable Corp.
Rawle & Henderson	Christina Gonzalez	American Biltrite
Reilly McDevitt	Michelle Cappuccio	Cleaver Brooks; Coopers Creek
Salmon Ricchezza	Lisa M. Only	Beazer East, Inc.
Swartz Campbell	Walter McDonough	Riverside Supply Co.
Vasios Kelly	Thomas J. Kelly, Jr.	Bird Inc.
Wilbraham Lawler	Lynn E. Roberts, III	Karnak

IT IS on this 20<sup>th</sup> 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

### **DISCOVERY**

- October 5, 2018 Defendants shall serve answers to standard interrogatories by this date.
- October 19, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 21, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 19, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 21, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 31, 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 31, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- January 18, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- January 18, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 1, 2019 Summary judgment motions shall be filed no later than this date.
- March 1, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- January 18, 2019 Plaintiff shall serve medical expert reports by this date.
- January 18, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 5, 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**

January 18, 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.

April 5, 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.

### **ECONOMIST EXPERT REPORTS**

January 18, 2019 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.

April 5, 2019 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**

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**

April 30, 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. **(Please note date change from the date given at the conference.)**

May 20, 2019 Pretrial Information Exchange submissions due.

May 28, 2019 (*Tuesday*) Trial-Ready 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