

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

**Docket No:** L-4809-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of EDWARD RUSSELL, <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 21, 2017:

FIRM	ATTORNEY	CLIENT
Early Law Firm	Matthew Park	Plaintiff(s)
Breuninger & Fellman	Kathleen Ramalho	National Automotive Parts Assoc.
Caruso Smith	Alexandra Caruso	Union Carbide; CertainTeed
Forman Watkins	Thomas Toman	Weyerhaeuser
Gibbons PC	Daniel Dorfman	Honeywell International
Harris Beach	Matthew Quirin	Progress Lighting
Marshall Dennehey	Paul Johnson	Warren Pumps
McGivney Kluger	Thomas McNulty	JC Whitney
Pascarella DiVita	Inge R. Cully	Trane US, Inc.
Rawle & Henderson	Timothy Alexander	Cyprus; Imerys
Reilly Janiczek	Adriana Exler	Maremont
Tanenbaum Keale	Maryam Meseha	Borg Warner; Foster Wheeler; General Electric
Wilbraham Lawler	Matthew Jones	Air & Liquid Systems Corp.

IT IS on this 25<sup>th</sup> day of September, 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.

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 31, 2017      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- December 8, 2017      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 31, 2017      Defendants shall propound supplemental interrogatories and document requests by this date.

- December 8, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 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.
- February 28, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 28, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- March 15, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 29, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 27, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- October 31, 2017 Plaintiff shall serve updated authorizations for medical and employment records by this date.
- March 30, 2018 Plaintiff shall serve medical expert reports by this date.
- March 30, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- July 16, 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**

- May 31, 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.
- July 16, 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**

- August 10, 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**

August 10, 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.

September 10, 2018 Trial 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