

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

**Docket No: L-3220-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

RALPH SABATINI,	<i>Plaintiff(s),</i>
vs.	
BRAND INSULATION, 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 June 16, 2015:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hoagland Longo	Shazia deWit	Goulds Pumps
McGivney Kluger	Thomas McNulty	Brand Insulation
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Sedgwick LLP	Afigo Fadahunsi	Foster Wheeler; General Electric

IT IS on this 17<sup>th</sup> day of **June, 2015**, *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**

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|--------------------|--|
| July 31, 2015      | Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date. |
| August 14, 2015    | Defendants shall serve answers to standard interrogatories by this date.   |
| September 14, 2015 | Plaintiff shall propound supplemental interrogatories and document requests by this date.  |
| October 14, 2015   | Defendants shall serve answers to supplemental interrogatories and document requests by this date.   |
| September 14, 2015 | Defendants shall propound supplemental interrogatories and document requests by this date.   |

- October 14, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 13, 2015 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- December 11, 2015 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, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- January 8, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- January 8, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 22, 2016 Summary judgment motions shall be filed no later than this date.
- February 19, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- August 31, 2015 Defendants shall forward medical authorizations to plaintiff's counsel by this date.
- September 30, 2015 Plaintiff shall serve executed medical authorizations by this date.
- October 30, 2015 Plaintiff shall serve medical expert reports by this date.
- February 29, 2016 The defense medical examination of plaintiff(s) shall be completed by this date.
- March 31, 2016 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**

- March 31, 2016 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 29, 2016 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**

- May 13, 2016 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**

May 11, 2016 @ 1:30pm 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 31, 2016 (*Tuesday*) 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  
Brody Deposition Services  
Priority One