

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

<u>SHEETMETAL II</u>	
KOECHER /Bell	L-7390-15
CAROLAN	L-5027-16

**Civil Action**

**CASE MANAGEMENT ORDER III**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 6, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Caruso Smith	Ronald Suss	CertainTeed; Union Carbide
Connell Foley	Scott Press	August Arace; Frank McBride Co.; Superior Welding Supply Co.
Garrity Graham	Stephen Balsamo	Damon G. Douglas
Gibbons PC	Philip Crawford	Hoffman La-Roche, Inc.
Hawkins Parnell	Roy Viola	CNA Holdings / Celanese
Landman Corsi	Alex Marcus	Anheuser Busch
Lavin O'Neil	Edward T. Finch	Verizon New Jersey
Marks O'Neill	Sophia Tyriss	Superior Boiler Works; Honeywell
Maron Marvel	Lina Carreras	Industrial Holdings Corp.
McElroy Deutsch	Stephanie Lopez	Pabst; ExxonMobil
McGivney Kluger	Joel Clark	Duro Dyne; DAP; Raritan Supply
McGivney Kluger	Thomas McNulty Kevin Hoffman	Federated Dept. Stores; S. Franklin & Sons; Armistead; RCH New Co.; Ameron; TJ McGlone
O'Toole Scrivo	Leslie Lombary	Avocet
Porzio Bromberg	Michelle Burke	AT&T Corp.; Alcatel-Lucent; Cytec Industries Inc.
Tierney Law Offices	Brian Garbacz	Elizabeth Industrial Supply
Wilbraham Lawler	Matthew Jones	Karnak; Dunphey Smith

IT IS on this 7<sup>th</sup> day of **April, 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**

May 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.

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

## **SUMMARY JUDGMENT MOTION PRACTICE**

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

July 14, 2017 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 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.

June 30, 2017 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.

July 14, 2017 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

## **ECONOMIST EXPERT REPORTS**

May 8, 2017 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.

July 14, 2017 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**

July 31, 2017 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**

June 30, 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.

August 1, 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.

August 21, 2017 Pretrial Information Exchange Form due.

August 28, 2017 **Trial-Ready** Date. (*The July 31, 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