

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

**Docket No:** L-3121-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

EDWARD & ROSEMARY STONACK, <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 August 16, 2017:

FIRM	ATTORNEY	CLIENT
The Early Firm	Mark Bibro	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide
Dickie McCamey	William Smith	NJ Plumbing Supply
Gibbons PC	Daniel Dorfman	Honeywell Int.
Leader & Berkon	Joseph Fontak	IMO Ind.
Marshall Dennehey	Paul Johnson	Warren Pumps; Bostick Inc.
McCarter & English	Ingrid H. Graff	Tarkett, Inc.
McGivney Kluger	Caitlin Bodtmann	DAP
Pascarella DiVita	Inge R. Cully	Ingersoll Rand
Rawle & Henderson	Susan Riechelson	American Biltrite
Segal McCambridge	William P. Perrelli	Mannington Mills
Tanenbaum Keale	Maryam Meseha	CBS/Westinghouse; Foster Wheeler; General Electric
Wilson Elser	Joseph Hanlon	WW Henry Co.

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

August 30, 2017      Defendants shall serve answers to standard interrogatories by this date.

September 8, 2017      Plaintiff shall propound supplemental interrogatories and document requests by this date.

October 10, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 8, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

October 10, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 30, 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.

November 30, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

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

January 5, 2018 Summary judgment motions shall be filed no later than this date.

February 2, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

December 1, 2017 Plaintiff shall serve medical expert reports by this date.

December 1, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 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**

February 28, 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.

April 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**

May 11, 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**

April 11, 2018 @ 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 25, 2018 Pretrial Information Exchange submissions due.

June 4, 2018 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