

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

**Docket No:** L-5334-19 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ROBERT & CELESTE STUTZMAN, <i>Plaintiff(s),</i>
vs.
ASBESTOS CORPORATION, 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 December 11, 2019:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Richard V. Jones	Metropolitan Life
Drinker Biddle	Jack N. Frost, Jr.	Neles-Jamesbury
Forman Watkins	Nicole Diesa	Cameron International Corp.
Gibbons PC	Ethan Stein	Honeywell International
Goldfein & Joseph	Madhurika Jeremiah	Asbestos Corp. Ltd.; Bell Asbestos Mines
K&L Gates	Gary M. Sapir	Ford Motor Co.
Kelley Jasons	John Martin	FMC Corp.; Victaulic Co.
Leader & Berkon	Joseph Fontak	IMO Industries
Marin Goodman	David Novack	Goodyear Tire & Rubber
Marshall Dennehey	Doug Suplee	Pep Boys
McGivney Kluger	Jonathan C. Lee	DAP; HM Royal, Inc.
McGivney Kluger	Jack Bingham	JA Sexauer
O'Toole Scrivo	Gary Van Lieu	DCo.
Pascarella DiVita	Joshua Greeley	Crane Co.
Tanenbaum Keale	Elizabeth Gee	Foster Wheeler
Turner O'Mara	Dave J. Gallacher	Carrier Corp.

IT IS on this 16th day of December 2019, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

## **DISCOVERY**

- December 31, 2019 Defendants shall serve answers to standard interrogatories by this date.
- January 10, 2020 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- February 10, 2020 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 10, 2020 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 10, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 20, 2020 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.
- March 20, 2020 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- June 30, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- April 30, 2020 Plaintiff shall serve medical expert reports by this date.
- April 30, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- August 7, 2020 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**

- April 30, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- August 7, 2020 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.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- May 8, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 22, 2020 Summary judgment motions shall be filed no later than this date.
- June 19, 2020 Last return date for summary judgment motions.

**EXPERT DEPOSITIONS**

September 11, 2020      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**

September 11, 2020 @ 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.

October 5, 2020                      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