

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

**Docket No:** L-3056-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

JOHN SZATKOWSKI,	<i>Plaintiff(s),</i>
vs.	
DAP 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 May 22, 2018:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Garrity Graham	Anthony Marino	United Conveyor Corp.
Goldberg Segalla	Rosa Forrester	Baker Hughes, A GE
Hack Piro	Robert Alencewicz	Johansen
Hoagland Longo	Jillian Madison	Industrial Welding Supply; Superior Welding & Boiler
Kelley Jasons	Angela Caliendo	Sterling Fluid Systems (USA)
Kent McBride	Marcus Ferreira	Marshall Maintenance
Langsam Stevens	Kelsey Knish	Zy-Tech Global Ind.
Leader & Berkon	Christine Bucca	IMO Industries
Littleton Park	Chrstine M. Delaney	McMaster Carr
Margolis Edelstein	Dawn Dezii	Ernst Gage; Woosulate; Central Jersey Supply
McElroy Deutsch	Donna duBeth Gardiner	Tyco; JR Clarkson
McGivney Kluger	Joel Clark Thomas McNulty	Madsen & Howell; Raritan Fairbanks, Manhattan Welding; DAP; SM Electric; Marley
O'Brien Firm	Jodie J. Farrow	Garber Supply; Grant Supply
O'Toole Scrivo	Gary Van Lieu	E&B Mill Supply; Hatzel & Buehler
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand
Reilly McDevitt	Joshua Sonstein	AJ Friedman Supply
Segal McCambridge	Justine Martolano	BW/IP
Speziali Greenwald	Joanne Hawkins	General Electric
Styliades Mezzanotte	Daniel Maher, Jr.	John Zink
Swartz Campbell	Laura Bartow	Riverside Supply Co.

IT IS on this 4<sup>th</sup> day of **June, 2018**, 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**

- June 15, 2018 Defendants shall serve answers to standard interrogatories by this date.
- June 29, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 3, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 29, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 3, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 14, 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.
- October 12, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- June 15, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.
- July 18, 2018 @ 10:00am Early 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. **(Please note date change from date given at the conference.)**

### **SUMMARY JUDGMENT MOTION PRACTICE**

- September 28, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 12, 2018 Summary judgment motions shall be filed no later than this date.
- November 9, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- February 15, 2019 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**

- December 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.
- February 15, 2019 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.

### **ECONOMIST EXPERT REPORTS**

- December 28, 2018 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.
- February 15, 2019 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**

- March 8, 2019 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**

- January 24, 2019 @ 9:30am 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.
- March 18, 2019 Pretrial Information Exchange submissions due.
- March 25, 2019 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: Counsel:

DeCotiis Fitzpatrick for Spirax Sarco

cc: Clerk, Mass Tort