

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

Docket No: L-6763-09 (AS)

Civil Action

CASE MANAGEMENT ORDER VII

JOSEPH TELLADO (Estate of Fred Tellado), vs. FMC CORPORATION, et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on July 14, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William Kuzmin	Plaintiff(s)
Carroll McNulty	Michael Moroney	Electrolux
Kelley Jasons	Angela Caliendo	FMC Corp.
McGivney Kluger	Joel Clark	Rasco Holdings
Pascarella DiVia	Inge Cully	Ingersoll Rand
Rawle & Henderson	Jamie Augustinsky	Volvo

IT IS on this 18th day of July, 2016, 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.

DISCOVERY

- July 29, 2016 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.
- July 29, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- August 31, 2016 Defendants shall serve answers to standard interrogatories by this date.
- September 16, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 17, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 16, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- October 17, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 30, 2016 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 30, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

February 28, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 6, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 20, 2017 Summary judgment motions shall be filed no later than this date.

February 17, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 29, 2016 Plaintiff shall serve executed medical authorizations by this date.

July 29, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

November 30, 2016 Plaintiff shall serve medical expert reports by this date.

November 30, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 31, 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

February 15, 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.

March 31, 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.

ECONOMIST EXPERT REPORTS

February 15, 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.

March 31, 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

April 21, 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

April 12, 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.

10 business days prior to trial Pretrial Information Exchange Form due.

May 15, 2017 **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