

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

ARLINGTON & ANGELA TROXELL, <i>Plaintiff(s),</i>
vs.
84 LUMBER CO., et al <i>Defendant(s).</i>

**Docket No:** L-8247-12 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER X  
AMENDED**

*This matter having come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 18, 2019:*

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
<i>Wilentz Goldman &amp; Spitzer</i>	<i>Jon Kupilik</i>	<i>Plaintiff(s)</i>
<i>Dickie McCamey</i>	<i>William Smith</i>	<i>84 Lumber</i>
<i>Eckert Seamans</i>	<i>Joel M. Doner</i>	<i>AO Smith</i>
<i>Forman Watkins</i>	<i>Matthew G. Broderon</i>	<i>Cooper Industries</i>
<i>Flynn Watts</i>	<i>Michael Moroney</i>	<i>Pro Build</i>
<i>Hoagland Longo</i>	<i>Amie Kalac</i>	<i>Chicago Wilcox</i>
<i>Kelley Jasons</i>	<i>Angela Caliendo</i>	<i>Square D; Henkels &amp; McCoy</i>
<i>Leader Berkon</i>	<i>Christine Bucca</i>	<i>Weil McLain</i>
<i>Marin Goodman</i>	<i>Christine Delaney</i>	<i>McMaster Carr</i>
<i>McGivney Kluger</i>	<i>Jeffrey Kluger</i>	<i>Sloan Valve; Flowserve</i>
<i>Vasios Kelly</i>	<i>Thomas J. Kelly, Jr.</i>	<i>Argo International</i>
<i>Wilbraham Lawler</i>	<i>Josette F. Spivak</i>	<i>Eastern Penn Supply Co.</i>

IT IS on this 10<sup>th</sup> day of **FEBRUARY 2020**, that Case Management Order X is hereby;

**AMENDED** 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.

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**

March 18, 2020            Plaintiff shall propound supplemental interrogatories and document requests by this date.

May 20, 2020 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

March 18, 2020 Defendants shall propound supplemental interrogatories and document requests by this date.

May 20, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 30, 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.

June 30, 2020 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 18, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

May 6, 2020 @ 10:00am Early settlement conference.

### **MEDICAL EXPERT REPORT**

May 18, 2020 Plaintiff shall serve an updated expert medical report by this date.

June 30, 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**

July 1, 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.

September 1, 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**

June 26, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 10, 2020 Summary judgment motions shall be filed no later than this date.

August 7, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

May 20, 2020 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.

June 30, 2020 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**

October 1, 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 30, 2020 @ 10:00am Final settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

October 26, 2020 Trial Date. (*The March 30, 2020 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