

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

Docket No: L-8247-12 (AS)

Civil Action

CASE MANAGEMENT ORDER II

ARLINGTON & ANGELA TROXELL, <i>Plaintiff(s),</i>
vs.
84 LUMBER CO., 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 January 14, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Carroll McNulty	Michael Moroney	Pro Build
Eckert Seamans	David Katzenstein	AO Smith
Forman Watkins	Thomas Toman	Cooper Industries
Hoagland Longo	Jeffrey P. Smith	Chicago Wilcox
Littleton Joyce	Katherine Galdieri	McMaster-Carr
Margolis Edelstein	Justin M. Bettis	URS E&C
McCarter & English	John C. Garde	Fisher Scientific
McGivney Kluger	Caitlin Christie	Sloan Valve; Weil McLain; Duriron
Morgan Lewis	Christopher Iannicelli	ITT
O'Toole Fernandez	Max Sverdlove	IMI Cash Valave
Swain & Westreich	Kenneth Westreich	Buist
Wilbraham Lawler	James F. Tate	Eastern Penn Supply Co.
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International; Argo International

IT IS on this 14th day of **January, 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

- March 1, 2016 Plaintiff shall serve amended answers to standard interrogatories by this date.
- March 11, 2016 Defendants shall serve answers to standard interrogatories by this date.
- March 25, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 29, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

March 25, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

April 29, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

July 1, 2016 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

July 15, 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.

August 15, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

August 26, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

September 23, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 7, 2016 Summary judgment motions shall be filed no later than this date.

November 4, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

March 1, 2016 Plaintiff shall serve executed medical authorizations by this date.

March 1, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

March 1, 2016 Plaintiff shall serve medical expert reports by this date.

January 27, 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

December 16, 2016 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.

January 27, 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

- December 16, 2016 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.
- January 27, 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

- February 17, 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 19, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- September 27, 2016 @ 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.
- February 1, 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.
- February 27, 2017 Trial Date. (*The May 9, 2016 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