

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

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 August 5, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Carroll McNulty	Michael Moroney	Pro Build
Dickie McCamy	William Smith	84 Lumber; Tasco
Eckert Seamans	David Katzenstein	AO Smith
Forman Watkins	Matthew G. Broderon	Cooper Industries
Hoagland Longo	Jillian Madison	Chicago Wilcox
Kelley Jasons	Angela Caliendo	Square D; Henkels & McCoy
Littleton Joyce	Christine M. Delaney	McMaster-Carr
Margolis Edelstein	Justin M. Bettis	URS E&C
McCarter & English	Elizabeth Monahan	Fisher Scientific
McGivney Kluger	Caitlin Christie	Sloan Valve; Weil McLain; Duriron
O'Toole Fernandez	Gary Van Lieu	IMI Cash Valave
Swain & Westreich	Kenneth Westreich	Buist
Wilbraham Lawler	James F. Tate	Eastern Penn Supply Co.
Vasios Kelly	Douglas Singleterry	Armstrong International; Argo International

IT IS on this 10<sup>th</sup> day of August, 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**

- October 3, 2016            Plaintiff shall serve amended answers to standard interrogatories by this date.
- October 14, 2016        Defendants shall serve answers to standard interrogatories by this date.
- October 21, 2016        Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 21, 2016      Defendants shall serve answers to supplemental interrogatories and document requests by this date.

- October 21, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 21, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 30, 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.
- January 31, 2017 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.
- January 31, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- January 31, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.
- March 1, 2017 @ 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- February 17, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 3, 2017 Summary judgment motions shall be filed no later than this date.
- March 31, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- October 3, 2016 Plaintiff shall serve executed medical authorizations by this date.
- October 3, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- October 3, 2016 Plaintiff shall serve updated medical expert reports by this date.
- July 3, 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**

- May 31, 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.

July 3, 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**

May 31, 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.

July 3, 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**

July 28, 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**

September 27, 2016 The settlement conference previously scheduled on this date is **cancelled**.

February 1, 2017 The settlement conference previously scheduled on this date is **cancelled**.

August 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.

August 21, 2017 Trial Date. (*The February 27, 2017 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