

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VI**

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 31, 2017:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Lynne M. Kizis	Plaintiff(s)
Dickie McCamey	William Smith	84 Lumber; Tasco
Eckert Seamans	David Katzenstein	AO Smith
Forman Watkins	Nicole Diesa	Cooper Industries
Hoagland Longo	Jillian Madison	Chicago Wilcox
Littleton Joyce	Angela Caliendo	McMaster-Carr
Margolis Edelstein	Jeff Hale-Gale	URS E&C
McCarter & English	John C. Garde	Fisher Scientific
McGivney Kluger	Thomas McNulty	Sloan Valve; Weil McLain; Flowserve
O'Toole Scrivo	Gary Van Lieu	IMI Cash Valve; Buist
Wilbraham Lawler	Matthew Jones	Eastern Penn Supply Co.
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International; Argo International

IT IS on this 6<sup>th</sup> day of **September, 2017**, 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**

November 30, 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.

November 30, 2017 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

December 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

September 21, 2017 Early Settlement conference scheduled on this date is **cancelled**.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- December 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 5, 2018 Summary judgment motions shall be filed no later than this date.
- February 2, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- March 2, 2018 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 22, 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 2, 2018 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 22, 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 2, 2018 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 29, 2018 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 25, 2018 @ 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.
- April 3, 2018 @ 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.

April 20, 2018

Pretrial Information Exchange submissions due.

April 30, 2018

**Trial-Ready** Date. (*The February 20, 2018 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