

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

Docket No: L-8247-12 (AS)

Civil Action

CASE MANAGEMENT ORDER VIII

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| 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 April 25, 2018:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|----------------------|---|
| Wilentz Goldman & Spitzer | Lynne Kizis | Plaintiff(s) |
| DeCotiis Fitzpatrick | Michael Moroney | Pro Build |
| Dickie McCamey | William J. Smith | 84 Lumber; Tasco |
| Eckert Seamans | Michael A. Posavetz | AO Smith |
| Forman Watkins | Thomas Toman Jr. | Cooper Industries |
| Hoagland Longo | Jillian Madison | Chicago Wilcox |
| Kelley Jasons | Joseph Vassalotti | Square D; Henkels & McCoy |
| Littleton Park | Christine Emery | McMaster Carr |
| Margolis Edelstein | Jeffrey Hall-Gale | URS E&C |
| McCarter & English | Elizabeth Monahan | Fisher Scientific |
| McGivney Kluger | Caitlin Bodtmann | Sloan Valve; Weil McLain; Flowserve |
| O'Toole Scrivo | Gary Van Lieu | IMI Cash Valve; Buist |
| Wilbraham Lawler | James F. Tate | Eastern Penn Supply Co. |
| Vasios Kelly | Thomas J. Kelly, Jr. | Armstrong International; Argo International |

IT IS on this 25th day of April, 2018, *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 13, 2018 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.

July 13, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 20, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- July 20, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- August 3, 2018 Summary judgment motions shall be filed no later than this date.
- August 31, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

- June 15, 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.
- October 1, 2018 Plaintiff shall serve a rebuttal and/or amended expert medical report, if any, by this date.

LIABILITY EXPERT REPORTS

- October 1, 2018 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.
- November 16, 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

- October 1, 2018 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.
- November 16, 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

- December 14, 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

- July 31, 2018 The settlement conference previously scheduled on this date is **cancelled**.
- September 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.

December 12, 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.

January 7, 2019 Pretrial Information Exchange submissions due.

January 14, 2019 Trial-Ready Date. (*The September 10, 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