

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

WARREN & VERONICA TUMLER, <i>Plaintiff(s),</i>
vs.
ATLANTIC RICHFIELD CO., et al <i>Defendant(s).</i>

**Docket No:** L-6640-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I  
AMENDED**

*This matter having previously come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz, and the following parties on January 22, 2019:*

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
<i>Law Office of James Pettit</i>	<i>James Pettit</i>	<i>Plaintiff(s)</i>
<i>Margolis Edelstein</i>	<i>Nicholas Sulpizio</i>	<i>Woolsulate Corp.</i>
<i>Maron Marvel</i>	<i>Timothy Coughlan</i>	<i>Atlantic Richfield Co.</i>
<i>Morgan Lewis</i>	<i>Patrick Elkins</i>	<i>Goulds Pumps</i>
<i>Pascarella DiVita</i>	<i>John S. McGowan</i>	<i>Ingersoll Rand</i>
<i>Swartz Campbell</i>	<i>Laura Bartlow</i>	<i>Sunoco (R&amp;M) LLC</i>
<i>Tanenbaum Keale</i>	<i>Christopher Keale</i>	<i>Foster Wheeler</i>
<i>Wilbraham Lawler</i>	<i>Lynn Roberts</i>	<i>PSE&amp;G</i>

IT IS on this 26<sup>th</sup> day of April, 2019, that Case Management Order I 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

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**

- May 1, 2019 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.
- May 31, 2019 Deposition of PSE&G corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- April 30, 2019 @ 1:30pm Early settlement conference.

## **MEDICAL EXPERT REPORT**

- July 8, 2019 Plaintiff shall serve medical expert reports by this date.
- July 8, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 6, 2019 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 8, 2019 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 6, 2019 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 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 28, 2019 Summary judgment motions shall be filed no later than this date.
- July 26, 2019 Last return date for summary judgment motions.

## **EXPERT DEPOSITIONS**

- October 11, 2019 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**

August 27, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

October 15, 2019 @ 1:30pm        Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

October 21, 2019                      Pretrial Information Exchange submissions due.

October 28, 2019                      Trial-Ready Date. (*The September 30, 2019 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