

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

**Docket No:** L-1124-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of WILLIAM VIOLA, <i>Plaintiff(s),</i>
vs.
ADVANCED THERMAL HYDRONICS, 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 16, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Daniel Weiss	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide
Delany McBride	Brian Bentley	Peerless Ind.
Goldfein & Joseph	Madhurika Jeremiah	Asbestos Corp. Ltd.; Bell Asbestos Mines
McCarter & English	Debra M. Perry	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Pooja Patel	Taco Inc.; Pecora Corp.
Pascarella DiVita	Madelyn Iulo	Ingersoll Rand; Tane US; Crane Co.
Rawle & Henderson	Sebastian Goldstein	Imerys Talc America; Cyprus Amax Minerals
Reilly McDevitt	Zachary Green	RAL Supply Co.
Troutman Sanders	Joanne Parcel Rogers	Mestek; Advanced Thermal Hydronics; Reed National Financial Group

IT IS on this 17<sup>th</sup> day of August, 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.

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.

**DISCOVERY**

- September 28, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- October 12, 2018 Defendants shall serve answers to standard interrogatories by this date.
- October 26, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 30, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

October 26, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.

November 30, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

February 28, 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.

March 29, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 2, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 7, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 21, 2019 Summary judgment motions shall be filed no later than this date.

July 19, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 17, 2019 Plaintiff shall serve medical expert reports by this date.

May 17, 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 13, 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**

May 17, 2019 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.

September 13, 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.

### **ECONOMIST EXPERT REPORTS**

May 17, 2019 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.

September 13, 2019 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**

October 14, 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**

To be scheduled      Settlement conference.

November 11, 2019      Trial 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