

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

**Docket No:** L-5800-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ROBERT & JEAN YUHAS,	<i>Plaintiff(s),</i>
vs.	
ABB, INC., 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 March 9, 2018:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Michelle Murtha	Plaintiff(s)
Caruso Smith	Marcia DePolo	AmChem Products; Union Carbide
Drinker Biddle	Jack Frost	Neles-Jamesbury, Inc.
Eckert Seamans	Ezra Alter	AO Smith Water Products
Gibbons PC	Daniel Dorfman	Honeywell International
Kelley Jasons	Angela Caliendo	FMC Corp.; Square D
Leader & Berkon	Christine Bucca	IMO; Electrolux; Spirax Sarco
Marshall Dennehey	Paul Johnson	Cooper Industries
Mayfield Turner	Sara Saltsman	Carrier Corp.
McElroy Deutsch	Joseph D. Rasnek	Flowserve US Inc.
McElroy Deutsch	Brian Sorenson	Eaton Corp.
McGivney Kluger	Thomas McNulty	Weil McLain
Montgomery Fetten	Jason Rojas	JH France Refractories
O'Brien Firm	Tracy Cabbage	ABB Inc.
Pascarella DiVita	Gabriel Miller	Crane Co.; Rheem Mfg. Co.
Reilly McDevitt	Ryan Notarangelo	Cleaver-Brooks; Gould Electric, Inc.
Tanenbaum Keale	William T. Miedel	CBS Corp.; Foster Wheeler
Wilbraham Lawler	Benjamin Salvina	Siemens

IT IS on this 13<sup>th</sup> day of March, 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**

- June 8, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- July 31, 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 31, 2018 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- August 31, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- August 31, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 14, 2018 Summary judgment motions shall be filed no later than this date.
- October 12, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- August 31, 2018 Plaintiff shall serve medical expert reports by this date.
- November 30, 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**

- August 31, 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 30, 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.

## **EXPERT DEPOSITIONS**

- January 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**

- January 17, 2019 @ 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.

February 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