

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

**Docket No:** L-3037-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

ALLEN & ANITA ZAGIER,  <i>Plaintiff(s),</i>  vs.  AMCHEM PRODUCTS INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 11, 2019:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Drinker Biddle	Jack Frost	Neles-Jamesbury
Marshall Dennehey	Paul Johnson	Riley Power
McElroy Deutsch	Joseph D. Rasnek	Flowserve US, Inc.; Pfizer
McGivney Kluger	Jeffrey Kluger	Madsen & Howell; Armstrong International; Brand Insulations
Montgomery Fetten	Courtney Reed Keren	JH France Refractories
Pascarella DiVita	Matthew G. Broderson	Crane Co.
Tanenbaum Keale	Pamela R Kaplan	CBS/Westinghouse; Foster Wheeler

IT IS on this 12<sup>th</sup> day of September 2019, 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.

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**

November 29, 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.

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

### **EARLY SETTLEMENT**

January 3, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

December 16, 2019 Plaintiff shall serve medical expert reports by this date.

December 16, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 6, 2020 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 16, 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.

March 6, 2020 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**

January 3, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 17, 2020 Summary judgment motions shall be filed no later than this date.

February 14, 2020 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

April 3, 2020 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, 2020 The settlement conference previously scheduled on this date is **cancelled**.

March 26, 2020 @ 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.

April 27, 2020

Trial Date. (*The February 24, 2020 trial is adjourned to this date.*)

*Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.*

*/s/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc: counsel:

Harris Beach *for Milton Roy, LLC*

Kelley Jasons *fo FMC Corp.*

Leader Berkon *for IMO Ind.; Electrolux Home Products; Spirax Sarco*

Wilbraham Lawler *for PSE&G*

cc: Clerk, Mass Tort