

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

**Docket No: L-4564-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ROBERT & EILEEN ZAWACKI, <i>Plaintiff(s),</i>
vs.
AUGUST ARACE & SONS, 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 *September 24, 2014*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Wilentz Goldman & Spitzer	Lynne Kizis Philip Tortoreti	Plaintiff(s)
Bucca & Campisano	Christine Bucca	IMO
Connell Foley	Richard Jagen	August Arace
Epstein Cohen Gilberti	Michael Gilberti	Crane Co.
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Calon Insulation
Hawkins Parnell	Roy Viola	Milwaukee Valve
Hoagland Longo	Nora Grimbergen	Goulds Pumps; Industrial Welding
Kent McBride	Ravi Shah	Binsky; TJ McGlone; Mooney
Landman Corsi	Elissa Regev	Sequoia Ventures, Inc.
Margolis Edelstein	J. Edmund Bryak	Woolsulate; Central Jersey Supply
Marks O'Neill	Paul Smyth	Nicholas Schwalje Inc.
McGivney Kluger	Caitlin Christie	Raritan Supply; Bergen Ind.; Madsen & Howell
Reilly Janiczek	Colleen Cavanaugh	ITT; Cleaver Brooks
Tierney Law Office	Michael O'Neill	Elizabeth Industrial Supply
Weiner Lesniak	Edward Seaver	Merck

IT IS on this 25<sup>th</sup> day of **September, 2014** 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 plaintiffs' 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**

November 14, 2014 Plaintiff shall serve answers to wrongful death interrogatories by this date.

November 28, 2014 Defendants shall serve answers to standard interrogatories by this date.

December 15, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.

January 16, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

December 15, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

January 16, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 2, 2015 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 2, 2015 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

October 31, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

March 11, 2015 @ 10:00am Early 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.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

March 27, 2015 Summary judgment motions shall be filed no later than this date.

April 24, 2015 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

November 14, 2014 Plaintiff shall serve executed medical authorizations by this date.

March 2, 2015 Plaintiff shall serve medical expert reports by this date.

March 2, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 29, 2015 Defendants shall identify its medical experts and serve medical expert 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**

April 1, 2015            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.

May 29, 2015            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**

April 1, 2015            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.

May 29, 2015            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**

June 15, 2015            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**

May 22, 2015 @ 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.

June 29, 2015            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  
       Brody Deposition Services  
       Priority One