

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

Docket No: L-4564-14 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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 April 2, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Lynne Kizis Philip Tortoreti	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca Jr.	IMO
Connell Foley	Scott Press	August Arace
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Calon Insulation
Hawkins Parnell	Roy Viola	Milwaukee Valve
Hoagland Longo	Jason R. Gosnell	Goulds Pumps; Industrial Welding
Kent McBride	Ravi Shah	Binsky; TJ McGlone; Mooney
Landman Corsi	Charles Mondora	Sequoia Ventures, Inc.
Langsam Stevens	David McHale	Zy-Tech Global
Margolis Edelstein	J. Edmund Bryak	Woolsulate; Central Jersey Supply
Marks O'Neill	Matthew A. Wachstein	Nicholas Schwalje Inc.
McGivney Kluger	Caitlin Christie	Raritan Supply; Bergen Ind.; Madsen & Howell
McGivney Kluger	Thomas McNulty	Faribanks; Flowserve
Pascarella DiVita	Brad Bishop	Crane Co.
Reilly Janiczek	Edward Henry	ITT; Cleaver Brooks; Miller & Chitty
Tierney Law Office	Mark Turner	Elizabeth Industrial Supply

IT IS on this 8th day of April, 2015, 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.

DISCOVERY

April 30, 2015 Plaintiff shall serve answers to wrongful death interrogatories by this date.

April 30, 2015 Defendants shall serve answers to standard interrogatories by this date.

May 15, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.

June 15, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

May 15, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

June 15, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 30, 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.

June 30, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 15, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

July 24, 2015 Summary judgment motions shall be filed no later than this date.

August 21, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

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

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

September 15, 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

July 2, 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.

September 15, 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

July 2, 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.

September 15, 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

September 30, 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 The settlement conference previously scheduled on this date is **cancelled**.

August 11, 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.

October 1, 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.

October 19, 2015 Trial Date. (*The June 29, 2015 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
Brody Deposition Services
Priority One