

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

ROBERT & EILEEN ZAWACKI, <p style="text-align: right;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> AUGUST ARACE & SONS, et al <p style="text-align: right;"><i>Defendant(s).</i></p>
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**Docket No: L-4564-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER IV  
AMENDED**

*This matter having previously come in for a Case Management Conference before Special Master  
Agatha N. Dzikiewicz and the following parties on December 22, 2015:*

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
<i>Wilentz Goldman &amp; Spitzer</i>	<i>Philip Tortoreti</i>	<i>Plaintiff(s)</i>
<i>Bucca &amp; Campisano</i>	<i>Benjamin Bucca</i>	<i>IMO</i>
<i>Connell Foley</i>	<i>Scott Press</i>	<i>August Arace; The Frank A. McBride Co.</i>
<i>Hack Piro</i>	<i>Robert Alencewicz</i>	<i>Johansen</i>
<i>Hardin Kundla</i>	<i>Nicea D'Annunzio</i>	<i>Calon Insulation</i>
<i>Hawkins Parnell</i>	<i>Roy Viola</i>	<i>Milwaukee Valve</i>
<i>Hoagland Longo</i>	<i>Jason R. Gosnell</i>	<i>Goulds Pumps; Industrial Welding</i>
<i>Kent McBride</i>	<i>Ravi Shah</i>	<i>Binsky; TJ McGlone; Mooney</i>
<i>Landman Corsi</i>	<i>Jorkeell Echeverria</i>	<i>Sequoia Ventures, Inc.</i>
<i>Margolis Edelstein</i>	<i>Dawn Dezii</i>	<i>Woolsulate; Central Jersey Supply; URS Energy &amp; Construction</i>
<i>Marks O'Neill</i>	<i>Paul Smyth</i>	<i>Nicholas Schwalje Inc.</i>
<i>McGivney Kluger</i>	<i>Joel Clark</i>	<i>Raritan Supply; Bergen Ind.; Madsen &amp; Howell</i>
<i>McGivney Kluger</i>	<i>Thomas McNulty</i>	<i>Fairbanks; Flowserve</i>
<i>Pascarella DiVita</i>	<i>Charles P. Savoth, III</i>	<i>Crane Co.; Ingersoll Rand</i>
<i>Reilly Janiczek</i>	<i>Michelle Cappuccio</i>	<i>Cleaver Brooks; Miller &amp; Chitty</i>
<i>Tierney Law Office</i>	<i>Kevin Buttery</i>	<i>Elizabeth Industrial Supply</i>

**IT IS on this 3<sup>rd</sup> day of FEBRUARY, 2016, that Case Management Order IV is hereby**

**AMENDED 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**

February 16, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 16, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 31, 2016 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 31, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 14, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 1, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 15, 2016 Summary judgment motions shall be filed no later than this date.

May 13, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 22, 2016 Upon request, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 1, 2016 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**

June 17, 2016 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.

July 18, 2016 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**

June 17, 2016 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.

July 18, 2016 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**

August 5, 2016 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**

June 1, 2016 @ 9:30am 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.

July 13, 2016 The settlement conference previously scheduled on this date is **cancelled**.

August 3, 2016 @ 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.

August 29, 2016 Trial Date. (*The August 8, 2016 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