

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

**Docket No:** L-1431-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

JOSEPH BIELINSKI,  vs.  AW CHESTERTON CO., et al	<i>Plaintiff(s),</i>    <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 May 29, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Langsam Stevens	David McHale	Zy-Tech Global
McElroy Deutsch	Joseph D. Rasnek	Occidental Chemical Co.
Pascarella DiVita	John S. McGowan	Ingersoll Rand

IT IS on this 30<sup>th</sup> day of May 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.

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.

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**

June 14, 2019                      Plaintiff shall serve answers to standard interrogatories by this date.

June 28, 2019                      Defendants shall propound supplemental interrogatories and document requests by this date.

July 31, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

August 30, 2019 Plaintiff depositions shall be conducted by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

September 16, 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.

### **EARLY SETTLEMENT**

June 14, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

July 19, 2019 @ 10:00am Early settlement conference.

### **MEDICAL EXPERT REPORT**

June 14, 2019 Plaintiff shall serve medical expert reports by this date.

December 31, 2019 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**

October 15, 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.

December 31, 2019 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 25, 2019 Summary judgment motions shall be filed no later than this date.

November 22, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

January 24, 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**

To be scheduled                      Settlement conference.

February 24, 2020                      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