

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

Docket No: **L-3891-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

ESTATE of ROBERT BRANT, <i>Plaintiff(s),</i>
vs.
ALLEGHENY TELEDYNE CO., 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 October 18, 2016:

FIRM	ATTORNEY	CLIENT
Napoli Shkolnik	Kardon Stolzman	Plaintiff(s)
Budd Lerner	Sonya Longo	Ericsson
Caruso Smith	Marcia DePolo	Union Carbide
Forman Watkins	Matthew G. Broderson	Cooper Industries
Hoagland Longo	James Goodloe	Whitaker Clark & Daniels
K&L Gates	Stacey Hyman	Allegheny Teledyne Inc.
Kelley Jasons	Angela Caliendo	Square D
Leader & Berkon	Christine Bucca	IMO Industries
Lynch Daskal	Alexandre Ober	Georgia Pacific
Marshall Dennehey	Paul Johnson	Rockbestos
McCarter & English	Elizabeth Monahan	Parker Hannifin
McElroy Deutsch	Andrew F. Bain	Eaton Corp.; Rockwell Automation
McGivney Kluger	Thomas McNulty	Higbee Inc.
McGowan Law Office	John S. McGowan	Sears
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Trane
Sedgwick	Afigo Fadahunsi	General Electric

IT IS on this 20<sup>th</sup> day of October, 2016, 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**

- November 18, 2016 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- November 18, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 2, 2016 Defendants shall serve answers to standard interrogatories by this date.

December 16, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.

January 20, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

December 16, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

January 20, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 28, 2017 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.

April 28, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 12, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

November 18, 2016 Plaintiff shall serve executed medical authorizations by this date.

November 18, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

March 31, 2017 Plaintiff shall serve medical expert reports by this date.

March 31, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 31, 2017 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**

July 31, 2017 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 8, 2017 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 31, 2017 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 8, 2017 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 29, 2017 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**

- November 15, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- October 3, 2017 @ 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 30, 2017 Trial Date. (*The December 5, 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