

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

Docket No: **L-4538-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

RUTH ELLEN CERKOWNUK (Estate of Nicholas Cerkownuk),  <i>Plaintiff(s),</i>  vs. BRAND INSULATIONS, et al  <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 April 19, 2017:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Caruso Smith	Stacey Lee Trien	CertainTeed
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
McGivney Kluger	Thomas McNulty	Brand Insulation; Durametallic
Pascarella DiVita	Inge R. Cully	Ingersoll Rand
Tanenbaum Keale	Pamela R. Kaplan	Foster Wheeler

IT IS on this 21<sup>st</sup> day of April, 2017, 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.

**DISCOVERY**

- |               |  |
|---------------|--|
| June 19, 2017 | Plaintiff shall serve answers to standard interrogatories.   |
| June 19, 2017 | Plaintiff shall serve answers to wrongful death interrogatories by this date.                      |
| June 19, 2017 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| July 24, 2017 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| June 30, 2017 | Defendants shall propound supplemental interrogatories and document requests by this date.         |

July 31, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

August 31, 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.

September 15, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

October 6, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 20, 2017 Summary judgment motions shall be filed no later than this date.

November 17, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

June 30, 2017 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

July 31, 2017 Plaintiff shall serve executed medical authorizations by this date.

June 19, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

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

January 31, 2018 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**

December 15, 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.

January 31, 2018 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**

December 15, 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.

January 31, 2018 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**

February 23, 2018 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**

February 15, 2018 @ 1:30pm 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.

March 12, 2018 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