

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

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| PATRICIA CUPANO,<br><br><i>Plaintiff(s),</i><br><br>vs.<br><br>ASBESTOS CORPORATION LTD., et al<br><br><i>Defendant(s).</i> |
|---|

Docket No: **L-7000-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 9, 2016:

| FIRM                 | ATTORNEY          | CLIENT   |
|----------------------|-------------------|--|
| Keefe Bartels        | Jennifer Ruhl     | Plaintiff(s)   |
| Caruso Smith         | Marcia DePolo     | CertainTeed; Union Carbide                             |
| Goldfein & Joseph    | Stephen Cristal   | Atlas Turner; Asbestos Corp. Ltd.; Bell Asbestos Mines |
| Hack Piro            | Robert Alencewicz | Johansen   |
| Hardin Kundla        | Cynthia Lee       | Calon Insulation                                       |
| Margolis Edelstein   | Jeanine D. Clark  | Woolsulate   |
| Styliades Mezzanotte | Patricia Lyons    | HM Royal   |
| Tierney Law Office   | Michael Murphy    | Elizabeth Industrial                                   |

IT IS on this 10<sup>th</sup> day of November, 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.

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**

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|-------------------|--|
| December 9, 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. |
| December 19, 2016 | Defendants shall serve answers to standard interrogatories by this date.   |
| December 30, 2016 | Plaintiff shall propound supplemental interrogatories and document requests by this date.  |
| January 31, 2017  | Defendants shall serve answers to supplemental interrogatories and document requests by this date.   |
| December 30, 2016 | Defendants shall propound supplemental interrogatories and document requests by this date.   |

- January 31, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 2017 Plaintiff depositions shall be concluded 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.
- February 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.
- February 28, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- March 3, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- March 2, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 16, 2017 (*Thurs.*) Summary judgment motions shall be filed no later than this date.
- April 13, 2017 (*Thurs.*) Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- December 23, 2016 Defendants shall forward medical authorizations to plaintiff's counsel by this date.
- January 13, 2017 Plaintiff shall serve executed medical authorizations 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.
- May 12, 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**

- March 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.
- May 12, 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**

- March 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.

May 12, 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**

June 2, 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**

May 23, 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.

June 19, 2017 Pretrial Information Exchange Form due.

June 26, 2017 **Trial-Ready** 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