

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

Docket No: **L-2015-16 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

ALBERT HOFF, JR. and GLORIA HOFF, <i>Plaintiff(s),</i>
vs.
ANOVA HOLDING AG, 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 31, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Erica Cesaro	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Goldfein & Joseph	Madhurika Jeremiah	ACL; Bell
Jardim Meisner	Nancy Giacumbo	Hollingsworth & Vose
Jones Law Office	Richard V. Jones	Metropolitan Life
Weiner Lesniak	Sean Pena	Mitsui

IT IS on this 2<sup>nd</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.

**DISCOVERY**

January 16, 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.

**EARLY SETTLEMENT**

January 18, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

January 20, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 3, 2017 Cemex may file a summary judgment motion no later than this date.

March 3, 2017 Last return date for summary judgment motion filed by Cemex, if any.

### MEDICAL DEFENSE

- January 16, 2017 Plaintiff shall serve a wrongful death medical expert report by this date.
- January 16, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 28, 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

- April 28, 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.

### EXPERT DEPOSITIONS

- May 19, 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 9, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- May 19, 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 12, 2017 Trial Date. (*The December 12, 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