

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

Docket No: **L-5066-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

JAMES & JEANNE MAHONEY, <i>Plaintiff(s),</i>
vs.
84 LUMBER 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 February 4, 2016:

FIRM	ATTORNEY	CLIENT
Napoli Shkolnik	Kardon Stolzman	Plaintiff(s)
Caruso Smith	Stacey Lee Trien	CertainTeed; Union Carbide
Dickie McCamey	William Smith	84 Lumber
Gibbons	Ethan Stein	Honeywell Int'l. Inc.
Gibbons	Robert Brown	The Sherwin William Co.
Hawkins Parnell	Roy Viola	Abex
Hoagland Longo	Daniel Kuszmanski	Whittaker Clark & Daniels
Jones Law Office	Richard V. Jones	Metropolitan Life
Lynch Daskal	Kate Romick	Georgia Pacific
Margolis Edelstein	Dawn Dezii	John Crane Inc.
Marshall Dennehey	Paul Johnson	Kaiser Gypsum; Pep Boys
Mayfield Turner	Joshua Locke	Carrier Corp.
McGivney Kluger	Sam Reisen	Homasote; Ace Hardware
Morgan Lewis	Christopher Iannicelli	ITT
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Trane
Reilly Janiczek	Michelle Cappuccio	Crown Boiler
Sedgwick	Nicole Nielson-Pachkofsky	Borg Warner
Segal McCambridge	Audrey O. Anyaele	BW/IP
Wilbraham Lawler	Tristin Fabro	Maremont Corp.
Wilson Elser	Eric Evans	Conwed

IT IS on this 5th day of February, 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

- March 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.
- April 1, 2016 Defendants shall serve answers to standard interrogatories by this date.
- April 29, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 29, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- May 31, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 29, 2016 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.
- August 31, 2016 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.
- August 31, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- September 16, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- September 16, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 30, 2016 Summary judgment motions shall be filed no later than this date.
- October 28, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- March 18, 2016 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- March 18, 2016 Plaintiff shall serve a diagnostic medical report by this date.
- July 15, 2016 Plaintiff shall serve medical expert reports by this date.
- July 15, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 16, 2016 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

September 30, 2016 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.

December 16, 2016 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

September 30, 2016 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.

December 16, 2016 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

December 30, 2016 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

December 7, 2016 @ 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.

10 business days prior to trial Pretrial Information Exchange Form due.

January 30, 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