

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

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

Civil Action

CASE MANAGEMENT ORDER II

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 October 18, 2016:

FIRM	ATTORNEY	CLIENT
Napoli Shkolnik	Kardon Stolzman	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Dickie McCamey	Thomas E. O'Donnell	84 Lumber
Gibbons	Mark R. Galdieri	Honeywell Int'l. Inc.
Gibbons	Robert Brown	The Sherwin William Co.
Gordon Rees	Lee Henig-Elona	Conwed Corp.
Hawkins Parnell	Mark Debrowski	Abex
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
LeClair Ryan	John Soltesz	Ford
Lynch Daskal	Alexandra Ober	Georgia Pacific
Marshall Dennehey	Paul Johnson	Pep Boys
Mayfield Turner	Joshua Locke	Carrier Corp.
McGivney Kluger	Thomas McNulty	Homasote; Ace Hardware
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Trane
Reilly Janiczek	Adrianna Exler	Crown Boiler
Sedgwick	Afigo Fadahunsi	Borg Warner
Wilbraham Lawler	Matthew	Maremont Corp.

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**

January 17, 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 10, 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 10, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

February 17, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

February 17, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 3, 2017 Summary judgment motions shall be filed no later than this date.

March 31, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 3, 2017 Plaintiff shall serve medical expert reports by this date.

February 3, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 2, 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 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.

June 2, 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**

April 28, 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.

June 2, 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 23, 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**

December 7, 2016                      The settlement conference previously scheduled on this date is **cancelled**.

June 15, 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.

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

July 17, 2017                              **Trial-Ready** Date. (*The trial date of January 20, 2017 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