

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

Docket No: L-5822-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

DAVID & REBEKKA MAX, <i>Plaintiff(s),</i>
vs.
MAX LUMBER & MILLWORK CORP. <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 29, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Day Pitney	Joshua Katz	International Paper Co.
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Goldberg Segalla	H. Lockwood Miller	Tamko Building Products; LaFarge North America
Lavin Cedrone	Catherine Brunermer	3M Co.
Littleton Park	Jason Schmitz	Kenseal Construction Products Inc.
McGivney Kluger	Trish Wilson	Homosote; Bonney Forge Corp.; Major Inc.; Guyon (Elizabeth Ind.)
O'Toole Scrivo	Gary Van Lieu	Max Lumber
Rawle & Henderson	Samuel Garson	American Biltrite, Inc.
Reilly McDevitt	Joshua Sonstein	AJ Friedman
Tanenbaum Keale	Afigo Fadahunsi	CBS Corp.
Taylor Colicchio	Ellen Corbo	PRF, Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.
Wilbraham Lawler	Lynn Roberts	Allied Building Products

IT IS on this 30th day of May 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

June 7, 2019

Defendants shall serve answers to standard interrogatories by this date.

- June 17, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 15, 2019 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.
- October 15, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- July 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.
- August 23, 2019 The settlement conference previously scheduled on this date is **cancelled**.
- September 17, 2019 @ 10:00am Early settlement conference.

MEDICAL EXPERT REPORT

- September 3, 2019 Plaintiff shall serve medical expert reports by this date.
- September 3, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 31, 2020 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

- November 15, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- January 31, 2020 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.

SUMMARY JUDGMENT MOTION PRACTICE

- November 18, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 22, 2019 Summary judgment motions shall be filed no later than this date.
- December 20, 2019 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- November 15, 2019 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, 2020 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 28, 2020 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

To be scheduled Final settlement conference.

March 20, 2020 Pretrial Information Exchange submissions due.

March 30, 2020 Trial-Ready Date. *(The September 30, 2019 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