

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

Docket No: **L-2559-14 (AS)**

MICHAEL METCHNIK, <i>Plaintiff(s),</i> vs. ARMSTRONG INTERNATIONAL, et al <i>Defendant(s).</i>

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 March 24, 2016:

FIRM	ATTORNEY	CLIENT
Motley Rice	Vincent Greene	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca, Jr.	IMO
Carroll McNulty	Michael Moroney	Copes Vulcan; Spirax Sarco
Drinker Biddle	Justin Ginter	Neles-Jamesbury
Hoagland Longo	Jillian Madison	Goulds Pumps; Maxon Corp.
Marshall Dennehey	Arthur Bromberg	Cash Co.
McCarter & English	Elizabeth Monahan	Fisher Controls International
O'Toole Fernandez	Max Sverdlove	Clark Reliance
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Speziali Greenwald	Joanne Hawkins	General Electric; CBS/Westinghouse
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International

IT IS on this 31st day of March, 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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|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 25, 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. |
| May 6, 2016 | Defendants shall serve answers to standard interrogatories by this date. |
| May 20, 2016 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |

June 20, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

May 20, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

June 20, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

August 31, 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.

September 30, 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.

October 31, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

January 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 18, 2016 Summary judgment motions shall be filed no later than this date.

December 16, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

April 25, 2016 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

April 25, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 29, 2016 Plaintiff shall serve medical expert reports by this date.

July 29, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 16, 2017 The defense medical examination of plaintiff(s) shall be completed by this date.

March 3, 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

- January 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.
- March 3, 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

- March 24, 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

- March 16, 2017 @ 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.
- April 10, 2017 Trial 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