

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

JEANNINE NICHOLS,  <i>Plaintiff(s),</i>  vs.  AMERICAN BILTRITE INC., et al  <i>Defendant(s).</i>
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**Docket No: L-8064-18 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on July 30, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Early Law Firm	Mark Bibro Matthew Park	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide
Leader & Berkon	Christine Bucca	Spirax Sarco; IMO Ind.
Margolis Edelstein	Nicholas Sulpizio	Woolsulate Corp.
Marshall Dennehey	Paul Johnson	Warren Pump
McElroy Deutsch	Brian Sorensen	ExxonMobil Oil Corp.
McGivney Kluger	Caitlin Bodtmann	Nash Engineering
Pascarella DiVita	John S. McGowan	Crane Co.; Ingersoll Rand
Rawle & Henderson	Sebastian Goldstein	American Biltrite
Tanenbaum Keale c/o Speziali Greenwald	Joanne Hawkins	CBS Corp.; Foster Wheeler

IT IS on this 30<sup>th</sup> day of July 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**

- September 6, 2019      Plaintiff shall serve answers to wrongful death interrogatories by this date.
- August 16, 2019      Defendants shall serve answers to standard interrogatories by this date.
- August 2, 2019      Plaintiff shall propound supplemental interrogatories and document requests by this date.

- September 6, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 6, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 18, 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 18, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- October 25, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- October 1, 2019 Plaintiff shall serve wrongful death expert report by this date.
- March 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 29, 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.
- March 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**

- December 20, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 17, 2020 Summary judgment motions shall be filed no later than this date.
- February 14, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- November 29, 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.
- March 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**

- April 30, 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**

September 12, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

April 21, 2020 @ 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.

May 18, 2020                                Trial Date. *(The October 28, 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