

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

Docket No: L-3158-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

ESTATE of WILLIAM O'NEILL, <i>Plaintiff(s),</i>
vs.
AARON & COMPANY, 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 January 22, 2019:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Connell Foley	Scott Press	August Arace
Eckert Seamans	Christopher Bladel	JCP&L
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Aaron & Co.; Calon Insulation
Hoagland Longo	Ibrahim Kosoko	Superior Welding & Boiler
Marshall Dennehey	Paul Johnson	Riley Power; Insulation Materials Corp.
McElroy Deutsch	Nancy McDonald	ExxonMobil
McGivney Kluger	Joel Clark	Madsen & Howell; Raritan Supply; Brand Insulation; John Wallace
Pascarella DiVita	John S. McGowan	Ingersoll Rand
Rawle & Henderson	Joshua Lichtenstein	Nicholas Schwalje; Henkels & McCoy
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks
Tanenbaum Keale	James Keale	Foster Wheeler
Wilbraham Lawler	Lynn Roberts	PSEG
Wilson Elser	Joseph Hanlon	Hess; Chevron

IT IS on this 24th day of January, 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

- March 15, 2019 Plaintiff shall serve answers to standard interrogatories.
- March 15, 2019 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- April 5, 2019 Defendants shall serve answers to standard interrogatories by this date.
- April 26, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 26, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- May 31, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 12, 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.
- August 30, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- September 27, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

- March 15, 2019 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- March 15, 2019 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- July 15, 2019 Plaintiff shall serve medical expert reports by this date.
- December 13, 2019 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, 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.
- December 13, 2019 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

September 27, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 11, 2019 Summary judgment motions shall be filed no later than this date.

November 8, 2019 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

January 31, 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

May 2, 2019 The settlement conference previously scheduled on this date is **cancelled**.

December 13, 2019 @ 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.

February 25, 2020 (*Tues.*) Trial Date. (*The June 3, 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