

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

PSE&G XIV	
GRAHAM	L-896-14
POSKAY	L-2610-14

**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 July 13, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Bodell Bove	Todd S. McGarvey	Linden Auto Parts
Bucca & Campisano	Christine Bucca	IMO
Carroll McNulty	Michael Moroney	Spirax Sarco
Forman Watkins	Thomas M. Toman, Jr.	Cooper Industries
Gibbons PC	Robert Brown	Honeywell International
Hoagland Longo	Jillian Madison	AGL Welding; McJunkin Red Man Corp.
Kelley Jasons	Angela Caliendo	Henkels & McCoy
Kent McBride	Bradley Lawrence	Mine Safety Appliance
Langsam Stevens	Lauren A. Shebel	Zy-Tech
Lewis Brisbois	Steven T. Corbin	Henkel
Margolis Edelstein	Justin M. Bettis	Woolsulate; United Energy & Construction
Marshall Dennehey	Jeremy Zacharias	Kaiser Gypsum
McGivney Kluger	Joel Clark Thomas McNulty Caitlin Christie	Madsen & Howell; Triangle; Triangle PWC; DAP; Fairbanks; Raritan Supply; Graybar Electric; SM Electric; Furnino & Sons; Bergen Industrial; J. Heller
O'Toole Fernandez	Gary Van Lieu	Cooper Electric
Pascarella DiVita	Inge Cully	Ingersoll Rand
Reilly Janiczek	Michelle Cappuccio	Leeds & Northrup
Segal McCambridge	William P. Perrelli	BW/IP
Spezaili Greenwald	Joanne Hawkins	General Electric; CBS; Foster Wheeler
Tierney Law Office	Michael Murphy	Elizabeth Industrial

IT IS on this 13<sup>th</sup> day of July, 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.

These matters are hereby consolidated for discovery, case management and trial.

### **DISCOVERY**

- September 16, 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.
- September 16 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- September 30, 2016 Defendants shall serve answers to standard interrogatories by this date.
- October 14, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 14, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 14, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 14, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 27, 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.
- April 17, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- July 7, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 26, 2017 Summary judgment motions shall be filed no later than this date.
- June 23, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- September 16, 2016 Plaintiff shall serve executed medical authorizations by this date.
- September 16, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- April 28, 2017 Plaintiff shall serve medical expert reports by this date.

- April 28, 2017            Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 15, 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**

- July 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.
- September 15, 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**

- July 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.
- September 15, 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**

- October 6, 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**

- September 28, 2017 @ 9:30am   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.
- October 30, 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