

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

Docket No: L-5647-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

GAIL PERO (Estate of Charles Pero), vs. AARON & COMPANY, et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
---	--

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on February 20, 2020:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Connell Foley	Richard Jagen	August Arace
Eckert Seamans	David Katzenstein	JCP&L
Garrity Graham	Stephen Balsamo	United Conveyor Corp.
Gibbons PC	Alan Gries	JAM Industries
Hardin Kundla	Nicea D'Annunzio	Aaron & Co.; Calon Insulation
Landman Corsi	Lorraine Belostock	Johansen
Margolis Edelstein	Nicholas Sulpizio	Woolsulate; URS Energy & Construction
Marshall Dennehey	Paul Johnson	Riley Power
McElroy Deutsch	Joseph D. Rasnek	Exxon Mobil
McGivney Kluger	Jeffrey Kluger Jennifer Hally	Madsen & Howell; Brand Insulation; HM Royal
Montgomery McCracken	Alexandra S. Jacobs	Atlantic City Electric
O'Toole Scrivo	Gary Van Lieu	E&B Mill Supply
Pascarella DiVita	Robert W. Slomicz	Ingersoll Rand
Reilly McDevitt	Christine Viggiano	Cleaver Brooks
Tanenbaum Keale	Christopher Keale	Foster Wheeler
Wilbraham Lawler	Josette Spivak	PSEG
Wilson Elser	Joseph Hanlon	Chevron

IT IS on this 24th day of **February 2020**, 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

- February 28, 2020 Defendants shall serve answers to standard interrogatories by this date.
- March 13, 2020 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 24, 2020 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 13, 2020 Defendants shall propound supplemental interrogatories and document requests by this date.
- April 24, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 29, 2020 Defendants shall identify the cross-claims they intend to prove and the proofs as to each cross-claim per Rowe by this date.
- June 12, 2020 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.
- June 12, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- June 19, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.
- July 21, 2020 @ 10:00am Early settlement conference.

MEDICAL EXPERT REPORT

- December 18, 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

- August 28, 2020 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 18, 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

- September 18, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 2, 2020 Summary judgment motions shall be filed no later than this date.
- October 30, 2020 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

January 29, 2021 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

January 21, 2021 @ 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 22, 2021 Trial Date. (*The March 30, 2020 trial is adjourned to this date.*)

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ James F. Hyland
JAMES F. HYLAND, J.S.C.

cc: Clerk, Mass Tort