

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

**Docket No:** L-3220-13 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

RALPH SABATINI,	<i>Plaintiff(s),</i>
vs.	
BRAND INSULATION, 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 July 6, 2016:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Gibbons PC	Ethan Stein	Honeywell International Inc.
McGivney Kluger	Thomas McNulty	Brand Insulation
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Speziali Greenwald / Sedgwick	Joanne Hawkins	Foster Wheeler; General Electric

IT IS on this 7<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.

**DISCOVERY**

September 30, 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.

**EARLY SETTLEMENT**

October 7, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

October 21, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 4, 2016 Summary judgment motions shall be filed no later than this date.

December 2, 2016 Last return date for summary judgment motions.

### MEDICAL DEFENSE

- September 30, 2016 Plaintiff shall serve medical expert reports by this date.
- October 31, 2016 The defense medical examination of plaintiff(s) shall be completed by this date.
- February 17, 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 13, 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.
- February 17, 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

- February 28, 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

- November 16, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- February 22, 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.
- March 20, 2017 Trial Date. (*The December 19, 2016 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