

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

| <u>SHEETMETAL II</u> | |
|----------------------|-----------|
| KOECHER /Bell | L-7390-15 |
| CAROLAN | L-5027-16 |

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 6, 2017:

| FIRM | ATTORNEY | CLIENT |
|-------------------------|---------------------------------|---|
| Cohen Placitella & Roth | Rachel Placitella | Plaintiff(s) |
| Caruso Smith | Ronald Suss | CertainTeed; Union Carbide |
| Connell Foley | Scott Press | August Arace; Frank McBride Co.; Superior Welding Supply Co. |
| Garrity Graham | Stephen Balsamo | Damon G. Douglas |
| Gibbons PC | Philip Crawford | Hoffman La-Roche, Inc. |
| Hawkins Parnell | Roy Viola | CNA Holdings / Celanese |
| Landman Corsi | Alex Marcus | Anheuser Busch |
| Lavin O'Neil | Edward T. Finch | Verizon New Jersey |
| Marks O'Neill | Sophia Tyriss | Superior Boiler Works; Honeywell |
| Maron Marvel | Lina Carreras | Industrial Holdings Corp. |
| McElroy Deutsch | Stephanie Lopez | Pabst; ExxonMobil |
| McGivney Kluger | Joel Clark | Duro Dyne; DAP; Raritan Supply |
| McGivney Kluger | Thomas McNulty Kevin Hoffman | Federated Dept. Stores; S. Franklin & Sons; Armistead; RCH New Co.; Ameron; TJ McGlone |
| O'Toole Scrivo | Leslie Lombary | Avocet |
| Porzio Bromberg | Michelle Burke | AT&T Corp.; Alcatel-Lucent; Cytec Industries Inc. |
| Tierney Law Offices | Brian Garbacz | Elizabeth Industrial Supply |
| Wilbraham Lawler | Matthew Jones | Karnak; Dunphey Smith |

IT IS on this 7th day of April, 2017, 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.

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

DISCOVERY

May 1, 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.

May 1, 2017 Depositions of corporate representatives shall be completed 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

July 14, 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

May 1, 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.

June 30, 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.

July 14, 2017 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

ECONOMIST EXPERT REPORTS

May 8, 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.

July 14, 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

July 31, 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

June 30, 2017 @ 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.

August 1, 2017 @ 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.

August 21, 2017 Pretrial Information Exchange Form due.

August 28, 2017 **Trial-Ready** Date. (*The July 31, 2017 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