

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

Docket No: **L-5667-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

ROBERT & RENAYE STAFFORD, <i>Plaintiff(s),</i>
vs.
BADGER COMPANY, INC., 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 October 26, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik Angelo Cifaldi	Plaintiff(s)
Gibbons	Alan Gries	Cornell & Co.
Marshall Dennehey	Paul Johnson	Thomas Scientific
McCarter & English	Christopher Rojao	Fisher Scientific, Inc.
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.

IT IS on this 26th day of October, 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.

DISCOVERY

- November 11, 2016 Defendants shall serve answers to standard interrogatories by this date.
- November 23, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 23, 2016 Defendants shall identify their corporate representatives and/or trial witnesses and provide transcripts of prior testimony, if any, no later than this date.
- November 4, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 23, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 13, 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.

January 13, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

January 20, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 20, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 3, 2017 Summary judgment motions shall be filed no later than this date.

March 3, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

January 13, 2017 Plaintiff shall serve medical expert reports by this date.

January 13, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 1, 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

March 31, 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.

May 1, 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

March 31, 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.

May 1, 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

May 22, 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

March 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.

June 1, 2017 Pretrial Information Exchange Form due.

June 5, 2017 **Trial-Ready** 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: counsel:

Rawle & Henderson *for* *Henkels & McCoy*

cc: Clerk, Mass Tort