

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

Docket No: L-3037-18 (AS)

Civil Action

CASE MANAGEMENT ORDER II

ALLEN & ANITA ZAGIER, <i>Plaintiff(s),</i>
vs.
AMCHEM PRODUCTS 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 May 28, 2019:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Amchem; Union Carbide; Metropolitan Life
Drinker Biddle	Jack Frost	Neles-Jamesbury
Gibbons PC	Phillip J. Duffy	Yuba Heat Transfer
Harris Beach	David Kochman	Milton Roy
Kelley Jasons	Angela Caliendo	FMC Corp.
Leader & Berkon	Christine Bucca	IMO; Spirax Sarco; Electrolux
Maron Marvel	Timothy Coughlan	Velan Valve Corp.
Marshall Dennehey	Ana McCann	Riley Power
McElroy Deutsch	Nancy McDonald	Flowserve US, Inc.; Pfizer
McGivney Kluger	Jeffrey Kluger	Madsen & Howell; Armstrong International; Brand Insulations
Montgomery Fetten	John Fetten	JH France Refractories
Pascarella DiVita	John S. McGowan	Crane Co.
Segal McCambridge	Justine Martolano	BW/IP, Inc.
Tanenbaum Keale	Arshia Hourizadeh	CBS/Westinghouse; Foster Wheeler
Wilbraham Lawler	Josette Spivak	PSE&G

IT IS on this 29th day of May 2019, 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

- June 28, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 30, 2019 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.
- August 30, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- September 27, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

- September 30, 2019 Plaintiff shall serve medical expert reports by this date.
- September 30, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 16, 2019 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

- September 30, 2019 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 16, 2019 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 27, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 11, 2019 Summary judgment motions shall be filed no later than this date.
- November 8, 2019 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

- January 24, 2020 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

October 4, 2019 The settlement conference previously scheduled on this date is **cancelled**.

January 17, 2020 @ 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.

February 14, 2020 Pretrial Information Exchange submissions due.

February 24, 2020 Trial-Ready Date. (*The November 4, 2019 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