

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

Docket No: L-1419-19 (AS)

Civil Action

CASE MANAGEMENT ORDER I

LARRY ZINTEL,	
vs.	<i>Plaintiff(s),</i>
AR WIFLEY & SONS, 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 July 17, 2019:

FIRM	ATTORNEY	CLIENT
Meiowitz & Wasserberg	Kush Shukla	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide
Gibbons PC	Ethan Stein	Honeywell International
Goldberg Segalla	Elizabeth A. Weill	Navistar, Inc.
Gordon & Rees	Maxine Nicholas	TDY Industries
Hawkins Parnell	Roy Viola	PACCAR
Kelley Jasons	Angela Caliendo	FMC Corp.; PBM Valve
Lavin Cedrone	Rachel Lamb	Daimler Trucks North America Inc.
Leader Berkon	Christine Bucca	Spirax Sarco; Electrolux Home Products; IMO Ind.; Weil McLain
Marin Goodman	Terence W. Camp	The Goodyear Tire & Rubber Co.
Marks O'Neill	Paul Smyth	Superior Boiler Works; Caterpillar Inc.
Maron Marvel	Lina C. Flanigan	Velan Valve Corp.; Keeler/Dorr-Oliver Boiler Co.
Marshall Dennehey	Paul Johnson	Riley Power; Keiser Gypsum; Warren Pumps
Marshall Dennehey	Arthur Bromberg	AERCO International, Inc.; BMCE Inc.
McElroy Deutsch	Joseph D. Rasnek	Flowserve US Inc.
McGivney Kluger	Jonathan Lee	AR Wifley Sons, Inc.; Atwood & Morrill Co.; Edwards & West, Inc.
McGivney Kluger	Jeffrey Kluger	Armstrong International; Flowserve/Duriron
McGivney Kluger	Kevin Hoffman	Gardner Denver
O'Toole Scrivo	Franklin Paez	DCo.
Pascarella DiVita	John S. McGowan	Ingersoll Rand; Trane Co.; Crane Co.
Rawle & Henderson	Samuel Garson	Mack Trucks, Inc.
Reilly McDevitt	Adrianna Astringer	Aurora Pump Co.; Cleaver Brooks; Roper Pump Co.
Tanenbaum Keale	Elizabeth Gee	CBS Corp; Foster Wheeler; General Electric
Troutman Sanders	Joanne P. Rogers	Standard Motor Products Inc.

IT IS on this **17th** day of **July 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.

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.

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

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| July 31, 2019 | Defendants shall serve answers to standard interrogatories by this date. |
| August 9, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| September 13, 2019 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| August 9, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| September 13, 2019 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |
| October 18, 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. |
| October 18, 2019 | Depositions of corporate representatives shall be completed by this date. |

EARLY SETTLEMENT

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| November 8, 2019 | Settlement demands shall be served on all counsel and the Special Master by this date. |
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MEDICAL EXPERT REPORT

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| November 1, 2019 | Plaintiff shall serve medical expert reports by this date. |
| November 1, 2019 | Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date. |
| January 31, 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

- November 1, 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.
- January 31, 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

- November 8, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 22, 2019 Summary judgment motions shall be filed no later than this date.
- December 20, 2019 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- November 1, 2019 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.
- January 31, 2020 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

- February 28, 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

- February 19, 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.
- March 30, 2020 Trial 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