

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

Docket No: **L-3453-16 (AS)**

THEODORE & JOYCE ABBOTT, <i>Plaintiff(s),</i>
vs.
AMERICAN BILTRITE, et al <i>Defendant(s).</i>

Civil Action

CASE MANAGEMENT ORDER IV

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on February 7, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph Mandia	Plaintiff(s)
Caruso Smith	Richard Picini	Union Carbide
O'Toole Fernandez	Joshua Lichtenstein	RT Vanderbilt
McGivney Kluger	Joel Clark	R.E. Carroll, Inc.
Rawle & Henderson	John McMeekin	Cypruss Amax Minerals; Imerys Talc America; American Biltrite

IT IS on this 10th day of February, 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.

DISCOVERY

- March 8, 2017 Plaintiff shall serve answers to Part II Interrogatories by this date.
- March 8, 2017 Plaintiff shall serve answers to new defendants' supplemental interrogatories and document requests by this date.
- May 8, 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 8, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 3, 2017 Settlement demands shall be served on all counsel and the Special Master 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 8, 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.

July 14, 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

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

August 4, 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

April 19, 2017 The settlement conference previously scheduled on this date is **cancelled**.

August 8, 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.

September 1, 2017

Pretrial Information Exchange submissions due.

September 11, 2017

Trial-Ready Date. (*The May 22, 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: counsel:

Pascarella DiVita

cc: Clerk, Mass Tort

VACATED