

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

**Docket No:** L-3561-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ALEJANDRO A. ALVAREZ (Estate of Minerva Alvarez),  vs.  BENJAMIN MOORE & CO., et al	Plaintiff(s),    Defendant(s).
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 19, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Drinker Biddle	Shane O'Connell	White Packing Co.
Eckert Seamans	Jill Cohen	Sutton Clark Supply
Garfunkel Wild	Steven D. Gorelick	Prime Healthcare Services – St. Mary's Hospital
Gibbons PC	Daniel Dorfman	Honeywell International Inc.
Hawkins Parnell	Manuel Guevara	Pneumo Abex
Marshall Dennehey	Paul Johnson	Israel Paint & Hardware
McElroy Deutsch	Joseph D. Rasnek	Benjamin Moore
McGivney Kluger	Christopher M. Longo	JA Sexauer
Reilly McDevitt	Ryan Notarangelo	Maremont
Tanenbaum Keale c/o Speziali Greenwald	Joanne Hawkins	CBS/Westinghouse
Wilbraham Lawler	Lynn E. Roberts, III	Kelsey Hayes
Wilson Elser	Joseph Hanlon	Shell Oil Co.

IT IS on this 20<sup>th</sup> day of June, 2018, 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**

- July 16, 2018                      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 24, 2018                Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 16, 2018                      Defendants shall propound supplemental interrogatories and document requests by this date.

- August 24, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 16, 2018 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.
- November 16, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 28, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- January 4, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 18, 2019 Summary judgment motions shall be filed no later than this date.
- February 15, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- March 15, 2019 Plaintiff shall serve medical expert reports by this date.
- April 30, 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**

- March 15, 2019 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.
- April 30, 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.

### **ECONOMIST EXPERT REPORTS**

- March 15, 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.
- April 30, 2019 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 31, 2019 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**

May 14, 2019 @ 1:30pm

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 24, 2019

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

VACATED