

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

**Docket No:** L-2258-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

DIANA LEE BARTON (Estate of James Lee Barton),  vs.  AIR & LIQUID SYSTEMS CORP., et al	<i>Plaintiff(s),</i>     <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 6, 2019:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide; Metropolitan Life
<b>Gibbons PC</b>	Robert Brown	Chattem, Inc.
Greenberg Traurig	Marissa Banez	Valeant Pharms Intl.; Valeant Pharms NA
Kelley Jasons	Angela Caliendo	FMC Corp.
Leader & Berkon	Christine Bucca	IMO Industries
Mayfield Turner	Dave J. Gallacher	Carrier Corp.
McGivney Kluger	Caitlin Bodtmann	Nash, Atwood, Gardner Denver
Rawle & Henderson	Joshua Lichtenstein	Cyprus Amax Minerals
Segal McCambridge	Ichael Testsa	BW/IP
Wilbraham Lawler	Lynn Roberts	Buffalo Pumps

IT IS on this 7<sup>th</sup> day of **March, 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**

- April 15, 2019            Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2019            Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 15, 2019            Defendants shall propound supplemental interrogatories and document requests by this date.

- May 31, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 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.
- July 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 21, 2020 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.
- November 29, 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.
- November 29, 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**

- January 3, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 17, 2020 Summary judgment motions shall be filed no later than this date.
- February 14, 2020 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

- March 13, 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**

March 26, 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.

April 13, 2020 Trial Date. (*The December 16, 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