

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

DIANA LEE BARTON (Estate of James Lee Barton),  <i>Plaintiff(s),</i>
vs.
AIR & LIQUID SYSTEMS CORP., 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 January 9, 2020:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide
Gibbons PC	Robert Brown	Chattem, Inc.
Goldfein & Joseph	Madhurika Jeremiah	Asbestos Corp. Ltd.; Bell Asbestos Mines
Greenberg Traurig	Marissa Banez	Valeant Pharms Intl.; Valeant Pharms NA
Kelley Jasons	Angela Caliendo	FMC Corp.
Leader & Berkon	Christine Bucca	IMO Industries
McGivney Kluger	Nicholas Gemma	Nash, Atwood
McGivney Kluger	John A. Bitetto, III	Gardner Denver
Segal McCambridge	Michael Testsa	BW/IP
Turner O'Mara	Dave J. Gallacher	Carrier Corp.
Wilbraham Lawler	Jessica Reenock	Buffalo Pumps

IT IS on this 9<sup>th</sup> day of **January 2020**, *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**

- October 30, 2020 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 30, 2020 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- March 19, 2021 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- December 31, 2020 Plaintiff shall serve medical expert reports by this date.
- December 31, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- March 1, 2021 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**

- December 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- March 1, 2021 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**

- March 19, 2021 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 1, 2021 Summary judgment motions shall be filed no later than this date.
- April 30, 2021 Last return date for summary judgment motions.

## **EXPERT DEPOSITIONS**

- May 28, 2021 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	The settlement conference previously scheduled on this date is <b>cancelled</b> .
To be scheduled	Settlement conference.
June 21, 2021	Trial Date. ( <i>The April 13, 2020 trial is adjourned to this date.</i> )

***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