

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

|                                                              |                                                      |
|--------------------------------------------------------------|------------------------------------------------------|
| BRIAN & LEE BEER,<br><br>vs.<br><br>AW CHESTERTON CO., et al | <i>Plaintiff(s),</i><br><br><br><i>Defendant(s).</i> |
|--------------------------------------------------------------|------------------------------------------------------|

Docket No: **L-2259-16 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 11, 2017:

| FIRM                      | ATTORNEY                           | CLIENT                                                                                                          |
|---------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Wilentz Goldman & Spitzer | Lynne Kizis<br>Philip Tortoreti    | Plaintiff(s)                                                                                                    |
| Caruso Smith              | Marcia DePolo                      | Union Carbide; CertainTeed                                                                                      |
| Dickie McCamey            | Tiffany Turner                     | Conval                                                                                                          |
| Hoagland Longo            | Jillian Madison                    | Collins Packing                                                                                                 |
| Lavin O'Neil              | Catherine Brunermer                | 3M Co.                                                                                                          |
| Littleton Joyce           | Katherine Galdieri                 | McMaster-Carr                                                                                                   |
| Maron Marvel              | Timothy Coughlan                   | Velan Valve Corp.                                                                                               |
| McCarter & English        | Jean Patterson                     | Fisher Scientific Co.                                                                                           |
| McElroy Deustch           | Joseph D. Rasnek                   | Flowserve US Inc.; Allen Bradley; Pfizer                                                                        |
| McGivney Kluger           | Caitlin Bodtmann<br>Thomas McNulty | Atlas Welding Supply; Seaboard Welding Supply;<br>New Jersey Boiler Repair: DAP; Flowserve; Nash<br>Engineering |
| Pascarella DiVita         | Stephanie DiVita                   | Crane; Crane Pumps                                                                                              |
| Rawle & Henderson         | Susan Riechelson                   | Henkels & McCoy; Met Pro                                                                                        |
| Reilly Janiczek           | Adrianna Exler                     | Cleaver Brooks; Miller & Chitty                                                                                 |
| Ricci Tyrrell             | Stuart M. Goldstein                | Chicago Bridge & Iron; Toms River Plumbing                                                                      |
| Segal McCambridge         | Alexander C. Schaffel              | BW/IP; AW Chesterton                                                                                            |
| Vasios Kelly              | Douglas Singeltery                 | Armstrong International                                                                                         |
| Wilbraham Lawler          | Keith Babula                       | Karnak; Air & Liquid Systems Corp.                                                                              |

IT IS on this 17<sup>th</sup> day of May, 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**

June 16, 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.

June 16, 2017 Depositions of corporate representatives shall be completed by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 21, 2017 Summary judgment motions shall be filed no later than this date.

August 18, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

September 29, 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**

July 14, 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.

September 29, 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**

June 16, 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.

September 29, 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**

October 20, 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**

July 13, 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 19, 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.

October 18, 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.

November 13, 2017 Trial Date. (*The June 5, 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: Clerk, Mass Tort