

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

Docket No: **L-2503-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

<p>DENNIS EDWARD BERGBAUER,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>E.I. DuPONT DeNEMOURS & CO., et al</p> <p style="text-align: center;"><i>Defendant(s).</i></p>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 1, 2014:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Christopher Placitella	Plaintiff(s)
Caruso Smith Picini	Nicholas Albano	CertianTeed; Union Carbide
Darger Errante	Sandra Steinman	Pfandler
Hoagland Longo	Jason R. Gosnell	Goulds Pumps
Kelley Jasons	Angela Caliendo	Henkels & McCoy
McGivney Kluger	Joel Clark	Duro Dyne
McGivney Kluger	Thomas McNulty	Brand Insulation; Avocet
O'Toole Fernandez	Kevin O'Toole	Clark Reliance
Pascarella DiVita	Stephanie DiVita	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Edward Kang	Cleaver Brooks
Speziali Greenwald c/o Sedgwick	Afigo Fadahinsi	CBS/Westinghouse; Foster Wheeler; General Electric

IT IS on this 2nd day of October, 2014 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

December 5, 2014 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.

January 9, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 10, 2014 The settlement conference previously scheduled on this date is **cancelled**.
- January 16, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- February 6, 2015 Summary judgment motions shall be filed no later than this date.
- March 6, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

- February 9, 2015 Plaintiff shall serve medical expert reports by this date.
- February 9, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 10, 2015 Defendants shall identify its medical experts and serve medical expert 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

- February 20, 2015 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 10, 2015 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.

EXPERT DEPOSITIONS

- April 30, 2015 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 16, 2015 @ 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.

May 18, 2015

Trial Date. *(The January 26, 2015 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
Brody Deposition Services
Priority One