

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

Docket No: **L-2099-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

DARRYL BOGART,
<i>Plaintiff(s),</i>
vs.
84 LUMBER CO., 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 October 31, 2014:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Baginski Mezzanotte	Patricia Lyons	Speakman
Barry McTiernan	Sean M. Connelly	RW Beckett
Bucca & Campisano	Christine Bucca	IMO Industries
Carroll McNulty	Michael A. Moroney	Strober; Spirax Sarco
Caruso Smith	Nicholas Albano	Union Carbide
Day Pitney	Marc D. Crowley	International Paper Co.
Dickie McComey	Thomas E. O'Donnell	Tasco; 84 Lumber
Fornaro Francicso	Richard D. Fornaro	Yardville Supply; Penn Supply
Garrity Graham	Michael McGrath	IPC
Hoagland Longo	Andrew Kessler	Mill Supply; Chicago Wilcox; Caldwell Supply; Condensor Specialties
K&L Gates	Michael Waller	McWane, Inc.
Margolis Edelstein	Jeanine D. Clark	Central Jersey Supply; United Brass Works; Goodrich
McElroy Deutsch	Kathryn Carey	Burnham Corp.
McGivney Kluger	Joel Clark Caitlin Christie	Bradco; Sid Harvey; Homosote; Sloan Valve; Hamilton Supply; Fairbanks; Weil McLain; Pecora; Taco; DAP; L&H Plumbing
O'Toole Fernandez	Jacqueline Muttick	McMaster Carr
Pascarella DiVita	Corinne Cerrati	Trane US Inc.
Reilly Janiczek	Edward Kang	SOS; ITT Corp.
Spezialli <i>for Sedgwick</i>	Joanne Hawkins	Foster Wheeler
Swartz Campbell	William Morlok	Allied Glove
Tierney Law Office	Edward Henry	Elizabeth Industrial Supply; AJ Friedman; Major Inc.
Vasios Kelly	Thomas J. Kelly Jr.	Armstrong International

IT IS on this 31st 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.

Defense counsel shall notify plaintiffs' counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

DISCOVERY

- December 31, 2014 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- January 16, 2015 Defendants shall serve answers to standard interrogatories by this date.
- January 30, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 2, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 30, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- March 2, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 31, 2015 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- April 30, 2015 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.
- May 29, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- August 14, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

June 26, 2015 Summary judgment motions shall be filed no later than this date.

July 24, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 31, 2014 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

December 31, 2014 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

May 29, 2015 Plaintiff shall serve medical expert reports by this date.

July 31, 2015 The defense medical examination of plaintiff(s) shall be completed by this date.

August 31, 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

August 31, 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.

September 30, 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.

ECONOMIST EXPERT REPORTS

August 31, 2015 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 30, 2015 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 16, 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

October 7, 2015 @ 9:30am

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 2, 2015

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
Brody Deposition Services
Priority One