

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

DARRYL BOGART, vs. 84 LUMBER CO., et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
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Docket No: **L-2099-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 26, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Baginski Mezzanotte	Emily Ferrell	Speakman
Barry McTiernan	Sean M. Connelly	RW Beckett; Fulton Boiler
Bucca & Campisano	Benjamin Bucca, Jr.	IMO Industries
Carroll McNulty	Michael A Moroney	Strober; Spirax Sarco
Caruso Smith	Nicholas Albano	Union Carbide
Connell Foley	Scott Press	McNeil Inc.
Dickie McCamey	William Smith	Tasco; 84 Lumber
Fornaro Francieso	Richard Fornaro	Yardville Supply
Garrity Graham	Frank Reimers	IPC
Hoagland Longo	Andrew Kessler	Mill Supply; Chicago Wilcox; Caldwell Supply; Condensor Specialties
K&L Gates	Stacey Hyman	Allegheny Technologies Inc.
Langsam Stevens	Jeannie Lee	Zy-Tech
Littleton Joyce	Katherine Blok Galdieri	McMaster Carr
Margolis Edelstein	Dawn Dezii	Central Jersey Supply; United Brass Works; Goodrich
McElroy Deutsch	Gabriel Ferstendig	Burnham LLC
McGivney Kluger	Joel Clark Caitlin Christie	Bradco; Sid Harvey; Homosote; Sloan Valve; Hamilton Supply; Fairbanks; Weil McLain; Pecora; Taco; DAP; L&H Plumbing
Pascarella DiVita	Brad Bishop	Trane US Inc.; Crane
Reilly Janiczek	Edward Henry	SOS; ITT Corp.
Spezialli <i>for Sedgwick</i>	Bridget Polloway	Foster Wheeler
Swartz Campbell	William Morlok	Allied Glove
Tierney Law Office	Michael O'Neill	Elizabeth Industrial Supply; AJ Friedman; Major Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International

IT IS on this 27th day of **May, 2015** 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 12, 2015 Defendants shall serve answers to standard interrogatories by this date.
- June 26, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 31, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 26, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 31, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 30, 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.
- October 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.
- November 30, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 11, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- December 24, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 8, 2016 Summary judgment motions shall be filed no later than this date.
- February 5, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- February 29, 2016 The defense medical examination of plaintiff(s) shall be completed by this date.
- March 31, 2016 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

March 11, 2016 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 11, 2016 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

March 11, 2016 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.

April 11, 2016 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

April 29, 2016 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 The settlement conference previously scheduled on this date is **cancelled**.

April 28, 2016 @ 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.

May 16, 2016 Trial Date. *(The November 2, 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