

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 III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *December 22, 2015*:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Baginski Mezzanotte	Patricia Lyons	Speakman
Bennett Bricklin	Wayne Partenheimer	Warren Balderston
Bucca & Campisano	Benjamin Bucca	IMO Industries
Carroll McNulty	Michael Moroney	Strober; Spirax Sarco
Caruso Smith	Lisa Massimi	Union Carbide
Connell Foley	Scott Press	McNeil Inc.
Day Pitney	Rasika Chakravarthy	International Paper Co.
Fornaro Francieso	Richard Fornaro	Yardville Supply
Garrity Graham	Frank Reimers	IPC
Hoagland Longo	Jason R. Gosnell	Mill Supply; Chicago Wilcox; Caldwell Supply; Condensor Specialties
K&L Gates	Stacey Hyman	Allegheny Technologies Inc.
Littleton Joyce	Katherine Galdieri	McMaster Carr
Margolis Edelstein	Dawn Dezii	Central Jersey Supply; United Brass Works; Goodrich; Lincoln Supply
McElroy Deutsch	Joseph Rasnek	Burnham LLC
McGivney Kluger	Thomas McNulty Caitlin Christie	Bradco; Sid Harvey; Homosote; Sloan Valve; Hamilton Supply; Fairbanks; Weil McLain; Pecora; Taco; DAP; L&H Plumbing
Pascarella DiVita	Charles P. Savoth, III	Trane US Inc.; Crane
Reilly Janiczek	Michelle Cappuccio	SOS
Spezialli <i>for Sedgwick</i>	Mark Wasef	Foster Wheeler
Tierney Law Office	Kevin Buttery	Elizabeth Industrial Supply; AJ Friedman; Major Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International
Wilbraham Lawlor	Tristin Fabro	Karnack Corp.

IT IS on this 22<sup>nd</sup> day of **December, 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**

- January 29, 2016 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.
- February 29, 2016 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.
- March 31, 2016 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- April 15, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- April 15, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 29, 2016 Summary judgment motions shall be filed no later than this date.
- May 27, 2016 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- June 30, 2016 The defense medical examination of plaintiff(s) shall be completed by this date.
- July 29, 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**

- June 30, 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.
- July 29, 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**

- June 30, 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.
- July 29, 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**

August 19, 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**

April 28, 2016            The settlement conference previously scheduled on this date is **cancelled**.

August 23, 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.

September 12, 2016            Trial Date. *(The May 16, 2016 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