

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

JOHN BURTON,  vs.  AMERICAN INDUSTRIAL SUPPLY CO., et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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Docket No: **L-965-16 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 6, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Breuninger Fellman	Kathleen Ramalho	Motion Industries Inc.
Eckert Seamans	Stephanie Coleman	Stolle Machinery Co. for its Rutherford Machinery Division
Hoagland Longo	Marc S. Gaffrey	Minster Machine; Goulds Pumps; Republic Diesel; Westside Plumbing
Littleton Joyce	Katherine Galdieri	McMaster-Carr
Marshall Dennehey	Arthur Bromberg	Midwest Brake Bond Co.
McGivney Kluger	Joel Clark	Dodge Newark Supply; Everlasting Valve; Essco; Eastern Bearing Inc.; DXP Enterprises, Inc.
O'Toole Fernandez	Leslie Lombardy	Peerless Industries, Inc.; Sequa Can Machinery Inc.
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand
Reilly Janiczek	Karen Stanzione Conte	Cleaver Brooks; Miller & Chitty; Feco, a Park Ohio Co. f/k/a Feco Engineered Systems Inc.

IT IS on this 6<sup>th</sup> day of **April, 2016**, *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 plaintiff's 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**

April 29, 2016            Defendants shall serve answers to standard interrogatories by this date.

April 8, 2016            Plaintiff shall propound supplemental interrogatories and document requests by this date.

May 9, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 19, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

May 20, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

July 15, 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.

July 15, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 9, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 22, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 5, 2016 Summary judgment motions shall be filed no later than this date.

September 2, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

July 15, 2016 Plaintiff shall serve medical expert reports by this date.

July 15, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 16, 2016 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 15, 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.

September 16, 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**

July 15, 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.

September 16, 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**

October 7, 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, 2016 @ 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.

10 business days prior to trial    Pretrial Information Exchange Form due.

November 7, 2016            **Trial-Ready** 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