

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

**Docket No:** L-965-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

JOHN BURTON,  vs.  AMERICAN INDUSTRIAL SUPPLY, et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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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 4, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Eckert Seamans	Stephanie Coleman	Stolle Machinery Co. for its Rutherford Machinery Div.
Marks O'Neill	Sebastian Goldstein	Grimes Aerospace Co.; Honeywell International
O'Toole Scrivo	Gary Van Lieu	Sequa Can Machinery Inc.
Reilly Janiczek	Karen J. Conte	Cleaver Brooks; Miller & Chitty
Zohn & Zohn	Edward Zohn	Barnett Tool & Die Co.

IT IS on this 4<sup>th</sup> day of **October, 2017**, *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**

- November 3, 2017 A limited deposition of the plaintiff shall be conducted by this date. It shall be limited to a direct exam as to product identification by counsel representing defendants impleaded into this matter after the plaintiff's deposition was originally taken. In the event additional product identification testimony is elicited, other counsel may cross-examine plaintiff. In addition, any counsel may inquire as to plaintiff's health status.
- November 3, 2017 Grimes Aerospace and Honeywell shall serve answers to standard interrogatories by this date.
- November 3, 2017 Grimes Aerospace and Honeywell shall serve answers to supplemental interrogatories and document requests by this date.
- November 3, 2017 Plaintiff and co-defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 1, 2017 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.

December 1, 2017 Depositions of corporate representatives shall be completed by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

December 1, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 8, 2017 Summary judgment motions shall be filed no later than this date.

January 5, 2018 Last return.

**MEDICAL DEFENSE**

February 5, 2018 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**

February 5, 2018 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**

February 16, 2018 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**

December 19, 2017 The settlement conference previously scheduled on this date is **cancelled**.

January 26, 2018 @ 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.

February 23, 2018 Pretrial Information Exchange submissions due.

March 5, 2018 Trial-Ready Date. (*The January 29, 2018 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: counsel:

Delany McBride for Peerless

cc: Clerk, Mass Tort