

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

**Docket No:** L-2137-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**  
***\*Revised***

FRANK & DOROTHY CAVE,  <i>Plaintiff(s),</i>  vs.  AMERICAN BILTRITE, et al  <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 31, 2018:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Belluck & Fox	William Papain	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide
Goldfein & Joseph	Madhurika Jeremiah	Domco Products Texas Inc.
Jones Law Office	Richard V. Jones	Metropolitan Life
Landman Corsi	Gregory C. Damico	Tremco
McGivney Kluger	Kevin Hoffman	DAP, Inc.; Pecora Corp.
Porzio Bromberg	Michelle Burke	Novingers, Inc.
Speziali Greenwald	Joanne Hawkins	General Electric
Ward Greenberg	Dan Young	7-Eleven, Inc.

IT IS on this 1<sup>st</sup> day of **November, 2018**, *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 15, 2018      7-Eleven shall serve answers to standard interrogatories by this date.
- November 9, 2018      As to 7-Eleven, plaintiff and co-defendants shall propound supplemental interrogatories and document requests by this date.
- December 10, 2018      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 9, 2018      7-Eleven shall propound supplemental interrogatories and document requests by this date.
- December 10, 2018      Plaintiff and co-defendants shall serve answers to supplemental interrogatories and document requests by this date.

January 15, 2019 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.

January 15, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

January 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

January 4, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 18, 2019 Summary judgment motions shall be filed no later than this date.

February 15, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

December 14, 2018 Plaintiff shall serve medical expert reports by this date.

December 14, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 15, 2019 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**

January 15, 2019 As to 7-Eleven, plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

**\*January 31, 2019** 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.

February 28, 2019 7-Eleven 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**

December 14, 2018 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.

February 15, 2019 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**

March 15, 2019 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**

January 9, 2019 The settlement conference previously scheduled on this date is **cancelled**.

February 28, 2019 @ 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.

March 25, 2019 Pretrial Information Exchange submissions due.

April 1, 2019 Trial-Ready Date. (*The February 25, 2019 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:

Rawle & Henderson for American Biltrite; Hajoca

cc: Clerk, Mass Tort