

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

**Docket No:** L-4538-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IV**

RUTH ELLEN CERKOWNUK (Estate of Nicholas Cerkownuk),  <i>Plaintiff(s),</i>
vs.
BRAND INSULATIONS, et al  <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *November 8, 2018*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed
Gibbons PC	Ethan Stein	Honeywell International Inc.
McGivney Kluger	Caitlin Bodtmann	Durametallic; Brand Insulation
Pascarella DiVita	John McGowan	Ingersoll Rand
Tanenbaum Keale	Afigo Fadahunsi	Foster Wheeler

IT IS on this 13<sup>th</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**

February 8, 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.

February 8, 2019 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

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

**SUMMARY JUDGMENT MOTION PRACTICE**

February 15, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 1, 2019 Summary judgment motions shall be filed no later than this date.

March 29, 2019 Last return date for summary judgment motions.

## MEDICAL DEFENSE

June 28, 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

May 17, 2019 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.

June 28, 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.

## ECONOMIST EXPERT REPORTS

May 17, 2019 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.

June 28, 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

July 26, 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

April 17, 2019 The settlement conference previously scheduled on this date is **cancelled**.

August 1, 2019 @ 1:30pm 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.

August 26, 2019 Trial Date. (*The May 20, 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: Clerk, Mass Tort