

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VI**

RUTH ELLEN CERKOWNUK (Estate of Nicholas Cerkownuk),  <i>Plaintiff(s),</i>  vs.  BRAND INSULATIONS, 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 August 20, 2019:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed
McGivney Kluger	Thomas McNulty	Durametallic; Brand Insulation
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand
Tanenbaum Keale	c/o Joanne Hawkins	Foster Wheeler

IT IS on this 20<sup>th</sup> day of **August 2019**, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

November 29, 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.

December 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 29, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

May 15, 2020 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**

March 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

May 15, 2020 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

January 17, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 31, 2020 Summary judgment motions shall be filed no later than this date.

February 28, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

March 31, 2020 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.

May 15, 2020 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**

June 8, 2020 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 1, 2019 The settlement conference previously scheduled on this date is **cancelled**.

April 15, 2020 @ 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.

June 22, 2020

Trial Date. (*The December 16, 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