

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

Docket No: **L-7582-15 (AS)**

JOHN DAY,  <i>Plaintiff(s),</i>  vs.  ACME PLASTERING CO., et al  <i>Defendant(s).</i>
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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 September 28, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Landman Corsi	Jorkeell Echeveria	ACME Plastering Co.
Margolis Edelstein	Jeanine Clark	URS Energy & Construction; Woolsulate
Styliades Mezzanotte	Brian Jeffers	Sherman & Chaplin

IT IS on this 3<sup>rd</sup> day of October, 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**

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|------------------|--|
| December 1, 2016 | Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date. |
| December 1, 2016 | Plaintiff shall serve answers to Woolsulate's and URS Energy's supplemental discovery by this date.  |
| January 6, 2017  | Defendants shall serve answers to standard interrogatories by this date.   |
| January 31, 2017 | Plaintiff shall propound supplemental interrogatories and document requests by this date.  |
| March 3, 2017    | Defendants shall serve answers to supplemental interrogatories and document requests by this date.   |
| January 31, 2017 | Defendants shall propound supplemental interrogatories and document requests by this date.   |

March 3, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 7, 2017 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

May 31, 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.

June 30, 2017 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

July 7, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

July 21, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 4, 2017 Summary judgment motions shall be filed no later than this date.

September 1, 2017 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

December 1, 2016 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

December 1, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

April 28, 2017 Plaintiff shall serve medical expert reports by this date.

May 31, 2017 The defense medical examination of plaintiff(s) shall be completed by this date.

November 30, 2017 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**

October 6, 2017 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.

November 30, 2017 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**

- October 6, 2017 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.
- November 30, 2017 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**

- December 15, 2017 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 6, 2017 @ 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.
- January 8, 2018 Trial 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