

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

**Docket No: L-7000-15 (AS)**

PATRICIA CUPANO,  vs.  ASBESTOS CORPORATION LTD., et al	<i>Plaintiff(s),</i>    <i>Defendant(s),</i>
ESTATE of CAROL VACCARELLE,  vs.  AW CHESTERTON CO., et al	<i>Plaintiff(s),</i>    <i>Defendant(s)</i>

**Docket No: L-3068-16 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 26, 2019:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William L. Kuzmin	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
Connell Foley	Scott Press	August Arace
Day Pitney	Joshua Katz	International Paper
Hack Piro	Christian Corro	Johansen
Hardin Kundla	Sam Reisen	Calon Insulation
Jardim Meisner	Nancy Giacumbo	Hollingsworth & Vose
Margolis Edelstein	Nicholas Sulpizo	Woolsulate
Marshall Dennehey	Douglas Suplee	Insulation Materials Corp.
McElroy Deutsch	Michelle Hydrusko	Exxon Mobil Corp.
McGivney Kluger	Jeffrey Kluger	Raritan Supply; Leonard Buck Inc.; Brand Insulation; Kraemer Gunite; Madsen & Howell; Safeguard; John Wallace
McGivney Kluger	Jennifer Hally	HM Royal
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand; Crane Co.
Rawle & Henderson	Sebastian Goldstein	Nicholas Schwalje Inc.
Ricci Tyrrell	Nancy Green	Chicago Bridge & Iron
Tanenbaum Keale	Afigo Fadahunsi	Foster Wheeler
Tierney Law Office	Mark Turner	Elizabeth Industrial
Weber Gallagher	Christina Abreu	Mitsui
Wilbraham Lawler	Lynne Roberts	South Amboy Plumbing

IT IS on this 27<sup>th</sup> day of March, 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.

These matters are hereby consolidated for discovery, case management and trial.

### **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.

November 29, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 9, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

January 31, 2020 Plaintiff shall serve medical expert reports by this date.

January 31, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

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**

January 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**

February 14, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 28, 2020 Summary judgment motions shall be filed no later than this date.

March 27, 2020 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

- January 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 15, 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**

- August 29, 2019      The settlement conference previously scheduled on this date is **cancelled**.
- May 13, 2020 @ 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.
- June 29, 2020      Pretrial Information Exchange submissions due.
- July 13, 2020      Trial-Ready Date. (*The October 28, 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