

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

Docket No: L-2868-16 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of FLORENCE CUPO, <i>Plaintiff(s),</i>
vs.
RJ REYNOLDS TOBACCO CO., 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 April 24, 2019:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Alfred Anthony	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed
Hughes Hubbard	Jennifer Suh	RJ Reynolds Tobacco Co.; Hollingsworth & Vose
Marks O'Neill	Paul Smyth	JM Manufacturing
Mendes & Mount	Frank Jordan	Curtiss-Wright

IT IS on this 24th day of April 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.

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.

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

- | | |
|---------------|--|
| May 31, 2019 | Plaintiff shall serve answers to wrongful death interrogatories by this date. |
| May 17, 2019 | Defendants shall serve answers to standard interrogatories by this date. |
| May 24, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| July 12, 2019 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| May 24, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date. |

- July 12, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 30, 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.
- September 30, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- November 8, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

- October 31, 2019 Plaintiff shall serve medical expert reports by this date.
- October 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 31, 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

- October 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- December 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.

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

- October 31, 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.
- December 31, 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

- February 14, 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

April 1, 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.

April 27, 2020 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