

**FILED**

**MAY 01 2012**

JUDGE ANN McCORMICK

**SUPERIOR COURT OF NEW JERSEY  
MIDDLESEX COUNTY-LAW DIVISION  
DOCKET NO. L-5394-11 ASB**

**CASE MANAGEMENT ORDER NO. I**

DEAN

V.

WIFFIELD MUTUAL HOUSING CORP. ET ALS.

This matter coming on for a Case Management Conference with Honorable Ann G. McCormick, J.S.C., On May 1, 2012, and Leonard Rappa, Esq., appearing for plaintiff; Daniel Kusmenski, Esq., appearing for defendants, Winfield Mutual Housing Auth, Fred Vitica, Denise Baldarama and Robert Peryea; and Nicholas DeMattheis, Esq., appearing for D&S Abatement Inc.,

IT IS on this 1<sup>st</sup> day of May, 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 plaintiffs' 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.

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**DISCOVERY**

6/15 2012 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.

7/2 2012 Defendants shall serve answers to standard interrogatories by this date.

5/18 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.

7/2 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

5/18 2012 Defendants shall propound supplemental interrogatories and document requests by this date.

\_\_\_ 7/2 \_\_\_ 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

\_\_\_ 8/31 \_\_\_ 2012 All fact depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if depositions are not completed by this date.

Any and all documents responsive to Notices to Produce shall be produced at least one week prior to a corporate representative's deposition, if not produced in accordance with deadlines set forth for responses to document requests.

\_\_\_ 8/31 \_\_\_ 2012 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.

### **CASE MANAGEMENT CONFERENCE**

\_\_\_ 9/13 \_\_\_ 2012 @ 1:30 p.m. Case Management Conference is scheduled before the Special Master.

### **SUMMARY JUDGMENT MOTION PRACTICE**

\_\_\_ 9/28 \_\_\_ 2012 Summary judgment motions shall be filed no later than this date.

\_\_\_ 10/26 \_\_\_ 2012 Last return date for summary judgment motions.

### **POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE**

\_\_\_ 11/12 \_\_\_ 2012 @ 1:30 pm 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.

*Case Management Conference to follow, if necessary.*

### **MEDICAL DEFENSE**

\_\_\_ 6/15 \_\_\_ 2012 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

\_\_\_ 6/1 \_\_\_ 2012 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

\_\_\_ 6/1 \_\_\_ 2012 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

\_\_\_ 6/1 \_\_\_ 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

\_\_\_ 8/31 \_\_\_ 2012 The defense medical examination of plaintiff(s) shall be completed by this date.

\_\_\_11/12\_\_\_2012 Defendants shall identify its medical experts and serve medical reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

\_\_\_12/1\_\_\_2012 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.

\_\_\_1/4\_\_\_2013 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.

\_\_\_1/25\_\_\_2013 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

**ECONOMIST EXPERT REPORTS**

\_\_\_12/1\_\_\_2012 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.

\_\_\_12/18\_\_\_2012 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**

\_\_\_3/15\_\_\_2013 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**

3/28 2013@ 1:30 pm Final 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.

\_\_\_4/19\_\_\_2013

Pre-Trial Exchange (and list of anticipated *in limine* motions to be exchanged and submitted to the court).

\_\_\_4/25\_\_\_2013 @ 1:30 pm Conference before Judge McCormick. (trial date to be set at conference)

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a long horizontal line extending to the right.

Ann G. McCormick. J.S.C.