

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

	<u>DuPONT</u>
PETERSON	L-8070-10
MUNICELLO	L-88-13
BECKETT	L-1438-13
BERGBAUER	L-2503-13
WILSON	L-3289-15
COMOLLI	L-674-16

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 29, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Brennan Law Firm	Craig Cox	Smith Koch
Bucca & Campisano	Benjamin Bucca, Jr.	IMO Industries
Carroll McNulty Kull	Michael Moroney	Copes Vulcan
Caruso Smith	Alexandra Caruso	Union Carbide; CertainTeed; AmChem; Dow
Connell Foley	Richard Jagen	Philadelphia Gear Corp.
Cullen & Dykman	Jeffrey Fegan	Howden NA
Darger & Errante	Mark Friesz	Pfautler
Dickie McCamey	William Smith	Newark Welding & Fabricating
Drinker Biddle	Jack N. Frost, JR.	Koso America; Neles-Jamesbury, Inc.
Eckert Seamans	Michelle Grady	Superior Lidgerwood Mundy Corp.
Garrity Graham	Anthony Marino	United Conveyor
Gibbons	Scott Etish	JAM Ind.
Goldfein & Joseph	Madhurika Jeremiah	ACL
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Calon
Harris Beach	David Kochman	Milton Roy; Saint Gobain
Hoagland Longo	Jillian Madison	Goulds Pumps
Kelley Jasons	Daniel Daly	Hercules; McCoy
Kent McBride	Ravi Shah	Alfa Laval
Landman Corsi	Jorkeell Echeverria	Lincoln Electric; Hobart Bros.; BOC Group; Buflouck LLC
Lynch Daskal	Alexandra Ober	Protecto Seal
Margolis Edelstein	Dawn Dezii	John Crane
Marshall Dennehey	Paul Johnson	Warren Pumps
Mayfield Turner	Joshua Locke	Carrier Corp.
McCarter & English	David J. Cooner	Hercules

McElroy Deutsch	John C. (Jack) McGuire	Bettis; Emerson; Fisher Controls; Akzo Nobel
McGivney Kluger	Thomas McNulty	Duro Dyne; Sundyne; Resco
McGivney Kluger	Marc J. Wisel	A Dover; Flowserve; Brand Insulation
McGivney Kluger	Pooja Patel	John W. Wallace; Nash; Joseph Oak; Ameron
Millet Law Office	Richard Millet	NL Ind.
O'Toole Fernandez	Leslie Lombardy	Clark Reliance; Avocet
Pascarella DiVita	Lisa Pascarella	Ingersoll Rand; Crane Co.
Porzio Bromberg	Michelle Burke	DuPont
Rawle & Henderson	Meredith Mack	Hajoca Corp.; Henkels & McCoy
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; Aurora Pumps
Ricci Tyrrell	Stuart M. Goldstein	
Sedgwick LLP / Speziali	Joanne Hawkins	CBS/Westinghouse; Foster Wheeler; General Electric
Segal McCambridge	Michael F. Gorman	BW/IP
Wilbraham Lawler	Tristin Fabro	Air & Liquid Systems Corp.

IT IS on this 1st day of April, 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.

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

DISCOVERY

- April 15, 2016 As to Comolli, defendants shall serve answers to standard interrogatories by this date.
- April 29, 2016 As to Comolli, plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 29, 2016 As to Comolli, defendants shall propound supplemental interrogatories and document requests by this date.
- May 31, 2016 As to Comolli, plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 2016 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.
- October 14, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 21, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 18, 2016 Summary judgment motions shall be filed no later than this date.

December 16, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 29, 2016 Plaintiff shall serve medical expert reports by this date.

January 27, 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 31, 2016 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.

January 27, 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 31, 2016 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.

January 27, 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

February 24, 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

September 7, 2016 The settlement conference previously scheduled on this date is **cancelled**.

October 5, 2016 The settlement conference previously scheduled on this date is **cancelled**.

January 24, 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.

February 23, 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.

March 13, 2017 Trial Date. (*The October 24, 2016 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