

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

**Docket No:** L-3433-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of LOUIS FAVERIO III, <i>Plaintiff(s),</i>
vs.
AMEC FOSTER WHEELER PLC, 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 October 12, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Anapol Weiss	Joshua Cohan	Plaintiff(s)
Connell Foley	Scott Press	Philadelphia Gear Works
Dickie McCamey	William Smith	Newarc Welding & Fabricants
Hoagland Longo	Jillian Madison	Johnson Controls
Kelley Jasons	Michael Pestrak	Sterling Fluid (La Bour Tabor Pump)
Landman Corsi	Colin Be	Bufflovak Inc.
Leader & Berkon	Christine Bucca	SPX Corp and its Copes Vulcan Div.
Lenahan & Rockwell	Kristin Deleppo	Nooter
Mayfield Turner	Max Novelli	Carrier Corp.
McCarter & English	Chris Rojao	Champlain Cable Corp.
McElroy Deutsch	Nicholas Eliades	Fisher Controls
McGivney Kluger	Joel Clark	Nash Eng., Joseph Oat Corp., Reco Ind.
Pascarella DiVita	Inge R. Cully	Ingersoll Rand; Trane US, Inc.; Crane Co.
Porzio Bromberg	Tanya Y. Shah	DuPont
Reilly Janiczek	Zachary Green	Aurora Pump Co.
Ricci Tyrrell	Samuel Makiibi	Chicago Bridge & Iron
Segal McCambridge	Audrey O. Anyaele	BW/IP
Speziali Greenwald	Joanne Hawkins	General Electric
Tanenbuam Keale c/o Speziali Greenwald	Joanne Hawkins	Foster Wheeler

IT IS on this 12<sup>th</sup> day of **October, 2017**, *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**

- January 12, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- November 13, 2017 Defendants shall serve answers to standard interrogatories by this date.
- February 12, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 30, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- February 12, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- March 30, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 2018 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 28, 2018 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- December 14, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- October 19, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 2, 2018 Summary judgment motions shall be filed no later than this date.
- November 30, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- December 15, 2017 Plaintiff shall serve executed medical authorizations by this date.
- October 31, 2018 Plaintiff shall serve medical expert reports by this date.
- October 31, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- February 15, 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**

- December 31, 2018 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.

February 15, 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.

**ECONOMIST EXPERT REPORTS**

December 31, 2018 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.

February 15, 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**

March 15, 2019 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**

To be scheduled Settlement conference.

April 15, 2019 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