

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

**Docket No: L-8221-18 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

EPIFANIO FIGUEROA and BRUNILDA VILLAREAL,  <i>Plaintiff(s),</i>
vs.
AMERICAN STERILIZER 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 March 18, 2019:

FIRM	ATTORNEY	CLIENT
Meiowitz & Wasserberg	Samuel Meiowitz	Plaintiff(s)
Caruso Smith	Richard V. Jones	Metropolitan Life
Kelley Jasons	Robert T. Connor	Victaulic Co.
Margolis Edelstein	Nicholas Sulpizio	John Crane Inc.
Marks O'Neill	Nicole M. Mulhern	Superior Boiler Works, Inc.
Maron Marvel	Lina C. Flanigan	Keeler /Dorr-Oliver Boiler Co.
McElroy Deutsch	Kate Chetta	Mueller Co, LLC; APV Crepaco Inc.
McGivney Kluger	Thomas McNulty	Roth Pump; Gardner Denver; Mueller Steam Specialty Co.
Pascarella DiVita	Madelyn Iulo	Nibco
Reilly McDevitt	Hena Kumar	Roper Pump Co.
Wilbraham Lawler	Josette Spivak	Viking Pump; American Sterilizer

IT IS on this 19<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.

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**

March 29, 2019            Defendants shall serve answers to standard interrogatories by this date.

April 12, 2019           Plaintiff shall propound supplemental interrogatories and document requests by this date.

May 17, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 12, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

May 17, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 28, 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.

June 28, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 16, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

June 28, 2019 Plaintiff shall serve medical expert reports by this date.

June 28, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 16, 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**

June 28, 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.

August 16, 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**

August 16, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 30, 2019 Summary judgment motions shall be filed no later than this date.

September 27, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

October 31, 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**

November 6, 2019 @ 1:30pm Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

November 18, 2019 Pretrial Information Exchange submissions due.

December 2, 2019 Trial-Ready 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