

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

Docket No: **L-739-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

ARTHUR HOWARTH,	<i>Plaintiff(s),</i>
vs.	
ABB INC., 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 13, 2015:

FIRM	ATTORNEY	CLIENT
Early Strauss	Mark Bibro	Plaintiff(s)
Bucca & Campisano	Christine Bucca	IMO Industries
Caruso Smith Picini	Marcia DePolo	CertainTeed
Christie Sullivan & Young	L.M. Bonks, III	HB Fuller
Connell Foley	Scott Press	PSE&G
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Harris Beach	David Kochman	Progress Lighting Inc.
Hoagland Longo	Steven F. Satz	Goulds Pumps
Kelley Jasons	Angela Caliendo	Square D
Locke Lord	Aileen McTiernan	Alcatel-Lucent
Marshall Dennehey	Paul Johnson	Warren Pumps; Riley Power; Kaiser Gypsum
Marshall Dennehey	Arthur Bromberg	Leviton
McElroy Deutsch	Gabriel Ferstendig	Allen Bradley; Eaton Corp.
McGivney Kluger	Jennifer Hally	Graybar
O'Brien Firm	Craig Caliendo	ABB Inc.
Pascarella DiVita	Michael A. Posavetz	Ingersoll Rand; Trane
Rawle & Henderson	David Samlin	Billows Electric Supply Co.; American Biltrite Inc.
Reilly Janiczek	Shannon Kelly	Gould Electronics
Sedgwick Detert	Bridget Polloway	CBS/Westinghouse; Foster Wheeler; Wesco
Segal McCambridge	Stephanie DeVos	Cooper Electric Supply
Wilbraham Lawler	Elizabeth deBerardinis	Maremont; Siemens

IT IS on this **14<sup>th</sup>** day of **October, 2015**, *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.

**DISCOVERY**

December 15, 2015 Plaintiff shall serve answers to wrongful death interrogatories by this date.

November 30, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 29, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 30, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

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

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

April 15, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

January 15, 2016 Plaintiff shall serve wrongful death medical expert reports by this date.

May 13, 2016 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**

May 13, 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.

June 15, 2016 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.

### **EXPERT DEPOSITIONS**

July 8, 2016 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**

December 15, 2015 The settlement conference previously scheduled on this date is **cancelled**.

June 28, 2016 @ 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. 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.

July 25, 2016

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