

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

**Docket No:** L-6274-13 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER V**

EMMA JEAN LETZGUS, (Estate of Don Letzgus),  vs. ALFA LAVAL INC., et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
---	--

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *February 21, 2018*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed
Gibbons PC	Daniel Dorfman	Honeywell International Inc.
Kent McBride	Matthew Forys	Alpha Laval
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Thomas McNulty	Brand Insulation
Montgomery McCracken	Albert L. Piccerilli	Atlantic City Electric
Pascarella DiVita	Gabriel Miller	Ingersoll Rand
Porzio Bromberg	Michelle Burke	E.I. DuPont
Segal McCambridge	David Kostus	BW/IP
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner; Foster Wheeler
Wilbraham Lawler	Benjamin Salvina	PSE&G; Exelon Energy

IT IS on this 22<sup>nd</sup> day of **February, 2018**, *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**

- March 16, 2018      Plaintiff shall serve answers to standard interrogatories.
- March 16, 2018      Plaintiff shall serve answers to wrongful death interrogatories by this date.
- March 30, 2018      Defendants shall serve answers to standard interrogatories by this date.
- April 30, 2018      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 8, 2018      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 30, 2018      Defendants shall propound supplemental interrogatories and document requests by this date.

- June 8, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 28, 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.
- October 31, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- October 26, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- October 26, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 9, 2018 Summary judgment motions shall be filed no later than this date.
- December 7, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- April 30, 2018 Defendants shall forward medical authorizations to plaintiff's counsel by this date.
- May 31, 2018 Plaintiff shall serve executed medical authorizations by this date.
- March 16, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- April 30, 2018 Plaintiff shall serve medical expert reports by this date.
- April 30, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 1, 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**

- January 18, 2019 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.
- April 1, 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**

- January 18, 2019 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.

April 1, 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**

April 26, 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.

May 20, 2019 Trial Date.

***Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.***

*/s/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc: Clerk, Mass Tort