

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

**Docket No:** L-3536-14 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

MICHELLE LOMET (Estate of Dennis Lomet),  <i>Plaintiff(s),</i>  vs. AJ FRIEDMAN SUPPLY CO., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 13, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Barry McTiernan Wedinger	Cara E. Manz	Fulton Boiler Works
Clyde & Co.	Kevin Turbert	Burnham LLC
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Hack Piro	Robert Alencewicz	HB Smith
Hodges Walsh	Andrew Baginski	Meenan Oil; Blueray Systems
Landman Corsi	Joseph Tomaino	ECR International
Lucosky Brookman	Norman J. Golub	Slant Fin Corp.
Pascarella DiVita	Bradley F. Bishop	Ingersoll Rand; Trane US Inc.; Crane Co.; Rheem

IT IS on this 14<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.

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**

April 5, 2019            Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 5, 2019            Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 14, 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 14, 2019 Depositions of corporate representatives shall be completed by this date.

### **MEDICAL EXPERT REPORT**

August 16, 2019 Plaintiff shall serve medical expert reports by this date.

August 16, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 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**

August 16, 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.

October 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**

October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 25, 2019 Summary judgment motions shall be filed no later than this date.

November 22, 2019 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

October 16, 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**

November 8, 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**

October 22, 2019 @ 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.
To be scheduled	Final settlement conference.
December 9, 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