

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

JOHN MACHALA,  <i>Plaintiff(s),</i>  vs.  ASBESTOS CORPORATION LTD., et al  <i>Defendant(s).</i>
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Docket No: **L-6684-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 17, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Jones LLP	Richard V. Jones	Metropolitan Life
McGivney Kluger	Thomas McNulty	Hollingsworth & Vose
McElroy Deutsch	Joseph D. Rasnek	Occidental Chemical Corp.

IT IS on this 18<sup>st</sup> day of March, 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**

- |                |                                                                                                                                                                                                       |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| April 10, 2015 | Defendants shall serve answers to supplemental interrogatories and document requests by this date.                                                                                                    |
| April 10, 2015 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.                                                                                                     |
| May 15, 2015   | 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. |
| May 15, 2015   | Depositions of corporate representatives shall be completed by this date.                                                                                                                             |

### **EARLY SETTLEMENT**

May 22, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 12, 2015 Summary judgment motions shall be filed no later than this date.

July 10, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

April 30, 2015 Plaintiff shall serve medical expert reports by this date.

July 31, 2015 Defendants shall identify its medical experts and serve medical expert 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 29, 2015 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.

July 31, 2015 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**

August 14, 2015 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**

May 6, 2015 @ 10:00am **Telephone** settlement conference. **Counsel shall contact the Special Master's Office the day before with the telephone number of the attorney handling the conference.**

August 14, 2015 @ 10:30am 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.

August 31, 2015

Trial Date. (*The May 26, 2015 trial is adjourned to this 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  
Brody Deposition Services  
Priority One