

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

Docket No: L-10865-14 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

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| TERESA MADGEY (Estate of Joseph Bennett), vs. BW/IP, et al | <i>Plaintiff(s),</i> <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 April 16, 2018:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|-----------------|----------------|
| Shivers Gosnay & Greatrex | Donald Gosnay | Plaintiff(s) |
| Caruso Smith | Marcia DePolo | CertainTeed |
| McGivney Kluger | Thomas McNulty | Durametallic |
| Pascarella DiVita | Gabriel Miller | Ingersoll Rand |
| Tanenbaum Keale | Afigo Fadahunsi | Foster Wheeler |

IT IS on this 16th day of April, 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

August 17, 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.

August 17, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

August 24, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 31, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 14, 2018 Summary judgment motions shall be filed no later than this date.

October 12, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

June 29, 2018 Plaintiff shall serve additional expert medical reports, if any, by this date.

June 29, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 11, 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

November 9, 2018 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.

January 11, 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

November 9, 2018 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.

January 11, 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

January 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

August 16, 2018 The settlement conference previously scheduled on this date is **cancelled**.

January 23, 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. 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.

February 25, 2019

Trial Date. *(The September 10, 2018 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