

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

DAVID & REBEKKA MAX,  <i>Plaintiff(s),</i>  vs.  MAX LUMBER & MILLWORK CORP.  <i>Defendant(s).</i>
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**Docket No:** L-5822-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on February 1, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed
Day Pitney	Alyssa Musmanno	International Paper Co.
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Goldberg Segalla	H. Lockwood Miller	Tamko Building Products; LaFarge North America
Lavin Cedrone	Catherine Brunermer	3M Co.
Littleton Park	Christine Emery	Kenseal Construction Products Inc.
McGivney Kluger	Joel Clark	Homosote; Bonney Forge Corp.; Major Inc.
Rawle & Henderson	Joshua Lichtenstein	American Biltrite, Inc.
Reilly McDevitt	Anthony Giordano	AJ Friedman
Tanenbaum Keale	Afigo Fadahunsi	CBS Corp.
Taylor Colicchio	Ellen Nunno Corbo	PRF, Inc.
Tierney Law Office	Angelina Nordeman	Guyon (Elizabeth Ind.)
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.
Wilbraham Lawler	John A. Fitzpatrick	Allied Building Products; Dashco Inc.
Wilbraham Lawler	Lynn Roberts	Allied Building Products; Greene Tweed

IT IS on this 4<sup>th</sup> day of **February, 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

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**

- February 28, 2019 Defendants shall serve answers to standard interrogatories by this date.
- March 8, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 12, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 8, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- April 12, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 3, 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.
- May 3, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- May 31, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- May 31, 2019 Plaintiff shall serve medical expert reports by this date.
- May 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- August 9, 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**

- May 31, 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.
- August 9, 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**

- May 31, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 14, 2019 Summary judgment motions shall be filed no later than this date.
- July 12, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

- May 31, 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.
- August 9, 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**

- September 6, 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 23, 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.
- September 23, 2019        Pretrial Information Exchange submissions due.
- September 30, 2019        Trial-Ready 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