

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

**Docket No:** L-5292-13 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

HARRIET O'HARA,	<i>Plaintiff(s),</i>
vs.	
AW CHESTERTON CO., et al	<i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 15, 2016:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Locks Law Firm	Alfred Anthony	Plaintiff(s)
McGivney Kluger	Thomas McNulty	Brand Insulation; Durametallc
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand
Sedgwick LLP c/o Speziali Greenwald	Joanne Hawkins	Foster Wheeler
Speziali Greenwald	Joanne Hawkins	General Electric
Wilbraham Lawler	Matthew Jones	NOSROC

IT IS on this 21<sup>st</sup> day of **December, 2016**, *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.

**DISCOVERY**

- |                  |  |
|------------------|--|
| January 17, 2017 | Defendants shall serve answers to standard interrogatories by this date.                           |
| February 3, 2017 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| March 3, 2017    | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| February 3, 2017 | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| March 3, 2017    | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

April 28, 2017 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

June 30, 2017 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 30, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

July 14, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 21, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 4, 2017 Summary judgment motions shall be filed no later than this date.

September 1, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 3, 2017 Defendants shall request executed medical authorizations from plaintiff's counsel by this date.

March 3, 2017 Plaintiff shall serve executed medical authorizations by this date.

October 6, 2017 Plaintiff shall serve medical expert reports by this date.

October 31, 2017 The defense medical examination of plaintiff(s) shall be completed by this date.

November 17, 2017 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**

October 6, 2017 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.

November 17, 2017 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**

October 6, 2017 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.

November 17, 2017 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**

December 1, 2017      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**

November 16, 2017 @ 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. 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.

December 18, 2017      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