

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

Docket No: L-3158-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of WILLIAM O'NEILL, <i>Plaintiff(s),</i>
vs.
AARON & 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 March 17, 2020:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Hardin Kundla	Nicea D'Annunzio	Aaron & Co.; Calon Insulation
Hoagland Longo	James J. Creech	Superior Welding & Boiler Co.
Marshall Dennehey	Paul Johnson	Riley Power; Insulation Materials Corp.
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil
McGivney Kluger	Kevin Hoffman	Brand Insulation; John W. Wallace
Pascarella DiVita	Robert Slomicz	Ingersoll Rand
Rawle & Henderson	Samuel Garson	Nicholas Schwalje; Henkels & McCoy
Reilly McDevitt	Adrianna Exler Astringer	Cleaver Brooks

IT IS on this 17th day of March 2020, *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 3, 2020 | Defendants shall serve answers to standard interrogatories by this date. |
| April 17, 2020 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| May 22, 2020 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| April 17, 2020 | Defendants shall propound supplemental interrogatories and document requests by this date. |

May 22, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

July 10, 2020 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.

July 10, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

August 21, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

August 10, 2020 Plaintiff shall serve medical expert reports by this date.

August 10, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 4, 2020 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 10, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

December 4, 2020 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

August 21, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 4, 2020 Summary judgment motions shall be filed no later than this date.

October 2, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

August 10, 2020 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.

December 4, 2020 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 22, 2021 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

To be scheduled Settlement conference.
February 22, 2021 Trial Date.

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ James F. Hyland
JAMES F. HYLAND, J.S.C.

cc: Clerk, Mass Tort