

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

Docket No: **L-4321-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

AUDREY POLI (Estate of Giuseppi Poli), vs. AII ACQUISITION LLC, 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 March 3, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Erica Cesaro	Plaintiff(s)
Caruso Smith	Ronald Suss	CertainTeed; Union Carbide
Hack Piro	Reiah Etwaroo	Luce Schwab & Kase
Hardin Kundla	Nicea D'Annunzio	Calon Insulaiton
Hoagland Longo	Daniel Kuzmerski	Johnson Controls; Wallwork Brothers
Kelley Jasons	Joseph Vassalotti	Goodman Mfg.
Lynch Daskal	Jessica Lau	Georgia Pacific
Marshall Dennehey	Arthur Bromberg Paul Johnson	RPM International; Kaiser Gypsum
Mayfield Turner	Adam Fogarty	Carrier Corp.
McGivney Kluger	Joel Clark Christopher Longo	AII Acquisition; Avocet; Duro Dyne; J. Wallace; DAP; Ductmate
Nowell Amoroso	Linda Dunne	United Supply
O'Toole Fernandez	Casey Chamra	Avocet
Pascarella DiVita	Brad Bishop	Rheem Mfg.; Trane US, Inc.
Sedgwick	Maryam Meseha	Borg Warner; CBS/Westinghouse
Wilbraham Lawler	Andrea Greco	Dunphey-Smith; Lennox

IT IS on this 4th 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 30, 2015

Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 10, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

May 15, 2015 Summary judgment motions shall be filed no later than this date.

June 12, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

June 1, 2015 Plaintiff shall serve medical expert reports by this date.

June 1, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, 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

July 31, 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.

August 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

September 18, 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 8, 2015 The settlement conference previously scheduled on this date is **cancelled**.

July 8, 2015 @ 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.

September 9, 2015 @ 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.

October 5, 2015

Trial Date. (*The June 1, 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