

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

**Docket No:** L-905-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

EDWARD & DEBORAH PROUD, <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 August 1, 2017:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Alfred M. Anthony	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Delany McBride	Ariana Seidel	Peerless Ind.
Hack Piro	Robert Alencewicz	HB Smith
Kelly Jasons	Angela Caliendo	FMC Corp.
Landman Corsi	Elyse Schier	ECR
Lewis Brisbois	Patrick Lycott	Henkel
Lynch Daskal	David Freed	Georgia Pacific
Marks O'Neill	Sophia Tyris	Honeywell; Columbia Boiler
Marshall Dennehey	Jeremy Zacharias	Warren Pumps
McElroy Deutsch	Joseph D. Rasnek	Burnham
McGivney Kluger	Caitlin Bodtmann	Weil McLain; Durametallic; True Valve; Ace Plumbing
McGivney Kluger	Joel Clark	DAP; La-Co Ind.
Pascarella DiVita	Inge R. Cully	Ingersoll Rand; Trane US; Crane Co.; Rheem Mfg
Rawle Henderson	Paul Smyth	Hajoca
Reilly Janiczek	Zachery Green	Crown Boiler, Swains Hardware; Cleaver Brooks

IT IS on this 3rd day of August, 2017, 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**

September 29, 2017 Plaintiff shall serve answers to wrongful death interrogatories by this date.

September 15, 2017 Defendants shall serve answers to standard interrogatories by this date.

October 13, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.

November 17, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

October 13, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

November 17, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 31, 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.

January 31, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

February 15, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

February 15, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 1, 2018 (*Thurs.*) Summary judgment motions shall be filed no later than this date.

March 29, 2018 (*Thurs.*) Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

September 29, 2017 Plaintiff shall serve updated medical authorizations by this date.

February 15, 2018 Plaintiff shall serve medical expert reports by this date.

February 15, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 15, 2018 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**

April 30, 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.

June 15, 2018 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**

- April 30, 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.
- June 15, 2018            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**

- July 13, 2018            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 1, 2018 @ 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.
- July 12, 2018 @ 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.
- August 13, 2018            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