

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

ESTATE of EDWARD 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 June 18, 2018:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Locks Law Firm	Melanie Garner	Plaintiff(s)
Caruso Smith	Nicholas Albano	Union Carbide
Delany McBride	Gaston Loomis	Peerless Heater Corp.
Eckert Seamans	Michael A. Posavetz	AO Smith Corp.
Hack Piro	Robert Alencewicz	HB Smith
Kelley Jasons	Angela Caliendo	FMC Corp.
Landman Corsi	Lorraine Belostock	ECR International
Marks O'Neill	Shannon Adamson	Columbia Boiler
Marshall Dennehey	Adam Fogarty	Warren Pumps
McGivney Kluger	Thomas McNulty	Weil McLain; Durametallc; True Valve; Ace Plumbing; DAP; La-Co Ind.
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Trane US; Crane Co.; Rheem Mfg
Rawle Henderson	Paul Smyth	Hajoca
Reilly McDevitt	Joshua Sontein	Crown Boiler, Swains Hardware; Cleaver Brooks

IT IS on this 18<sup>th</sup> day of June, 2018, *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**

- July 9, 2018                      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 18, 2018                     Defense counsel shall provide 2 or 3 dates for the deposition of their corporate representatives by this date.
- September 18, 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.

September 18, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 28, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 28, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 12, 2018 Summary judgment motions shall be filed no later than this date.

November 9, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

September 18, 2018 Plaintiff shall serve medical expert reports by this date.

December 31, 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**

September 18, 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.

December 31, 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**

September 18, 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.

December 31, 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**

January 31, 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**

September 18, 2018 The settlement conference previously scheduled on this date is **cancelled**.

October 25, 2018 The settlement conference previously scheduled on this date is **cancelled**.

January 18, 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. 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.

February 25, 2019 Trial Date. (*The November 26, 2018 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