

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

PSE&G XIV	
GRAHAM	L-896-14
POSKAY	L-2610-14

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 22, 2017:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Bodell Bove	Todd McGarvey	Linden Auto Parts
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Forman Watkins	Thomas M. Toman, Jr.	Cooper Industries
Gibbons PC	Mark Galdieri	Honeywell International
Hoagland Longo	Jillian Madison	AGL Welding; McJunkin Red Man Corp.
Kelley Jasons	Dana Maugeri	Henkels & McCoy
Kent McBride	Bradley Lawrence	Mine Safety Appliance
Langsam Stevens	Robert Stickley	Zy-Tech
Margolis Edelstein	Jeffrey Hall-Gale	Woolsulate; United Energy & Construction
McGivney Kluger	Joel Clark Thomas McNulty	Madsen & Howell; Triangle; Triangle PWC; DAP; Fairbanks; Raritan Supply; Graybar Electric; SM Electric; Furnino & Sons; Bergen Industrial; J. Heller
O'Toole Scrivo	Max Sverdlove	Cooper Electric
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Reilly Janiczek	Michelle Cappuccio	Leeds & Northrup
Spezaili Greenwald	Joanne Hawkins	General Electric; CBS; Foster Wheeler
Tierney Law Office	Brian Garbaez	Elizabeth Industrial; AJ Friedman; Major Inc.

IT IS on this 24th day of May, 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.

These matters are hereby consolidated for discovery, case management and trial.

DISCOVERY

September 1, 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.

September 1, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 3, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

September 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 29, 2017 Summary judgment motions shall be filed no later than this date.

October 27, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 1, 2017 As to Poskay, plaintiff shall serve medical expert reports by this date.

November 17, 2017 As to Poskay, upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 19, 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

December 1, 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.

January 19, 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

December 1, 2017 As to Poskay, 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.

January 19, 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

February 9, 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

September 28, 2017 The settlement conference previously scheduled on this date is **cancelled**.

December 6, 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.

February 7, 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.

March 5, 2018 Trial Date. *(The October 30, 2017 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