

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

**Docket No:** L-6670-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

JAMES & DIANE RUSSO,  vs.  ADVANCE AUTO PARTS INC., 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 November 15, 2017:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Budd Larner	Terence W. Camp	Ericsson, Inc.
Caruso Smith Picini	Lisa Massimi	Asbeka Ind. of NY; CertainTeed; Union Carbide
Cullen & Dykman	Austin O'Malley	Goulds Pumps; Howden N.A.
Dickie McCamey	William Smith	84 Lumber
Eckert Seamans	Jill Cohen	AO Smith Water Products
Forman Watkins	Thomas M. Toman, Jr.	Cooper Industries
Harris Beach	Jacqueline Cavallaro	Progress Lighting; Prescolite; Hubbell Power Systems
Hoagland Longo	Jillian Madison	Johnson Controls
Jones Law Office	Richard V. Jones	Metropolitan Life
Kelley Jasons	Angela Caliendo	FMC Corp.
Kent McBride	Jessica Lentini	Mine Safety Appliance
Leader & Berkon	Christine Bucca	IMO; Spirax Sarco
Littleton Joyce	Jason Schmitz	BASF
Margolis Edelstein	Lawrence J. Bunis	Belden Wire & Cable; Alpha Wire
Marin Goodman	Fred Goodman	Fluor Corp.
Marks O'Neill	Shannon Adamson	Honeywell
Maron Marvel	Shari Milewski	Velan Valve Corp.
Marshall Dennehey	Paul Johnson	Riley Power; Warren Pumps
Marshall Dennehey	Christopher Block	Leviton; AIW; RSCC Wire & Cable
McCullough Ginsberg	Jason Schmolze	Okonite
McElroy Deutsch	Brooks Doyne	Burnham; Eaton; Rockwell Automation
McGivney Kluger	Christopher M. Longo	Weil McLain; CCX; Marley Cooling; Graybar; Taco; Gardner Denver; Durametallc; Flowserve
McGivney Kluger	Joel Clark	Federated Dept. Stores; Taco; Grundfos Pumps; Treadwell; Electric Switchboard
O'Toole Scrivo	Gary Van Lieu	Hatzel & Buehler; US Electrical
Pascarella DiVita	Inge R. Cully	Ingersoll Rand; Trane US, Inc.; General Cable Corp.; Crane Co.
Porzio Bromberg	Michelle Burke	Alcatel Lucent USA Inc.

Potters & Della Pietra	Gary Potters	Stevens Institute of Technology
Reilly Janiczek	Adrianna Exler	Cleaver Brooks; Aurora Pump; Gould Electronics; General Wire
Rosenberg Jacobs	Matthew E. Blackman	Englewood Hospital
Segal McCambridge	Audrey Anyaele	BW/IP; Port Authority NY/NJ
Tanenbaum Keale	Christopher Keale	Borg Warner; Bryant Electric; CBS Corp.; Foster Wheeler
Wilbraham Lawler	Benjamin D. Salvina	PSE&G

IT IS on this 16<sup>th</sup> day of **November, 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.

### **DISCOVERY**

- December 1, 2017 Defendants shall serve answers to standard interrogatories by this date.
- January 12, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- February 16, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 12, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 16, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- April 30, 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.
- April 30, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- June 22, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- June 22, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 6, 2018 Summary judgment motions shall be filed no later than this date.
- August 3, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- May 31, 2018 Plaintiff shall serve medical expert reports by this date.
- May 31, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 14, 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**

- May 31, 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.
- September 14, 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**

- May 31, 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.
- September 14, 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**

- October 12, 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 10, 2018 @ 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.
- November 5, 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