

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

Docket No: L-6670-16 (AS)

<p>ESTATE of JAMES RUSSO, <i>Plaintiff(s),</i></p> <p>vs.</p> <p>ADVANCE AUTO PARTS INC., et al <i>Defendant(s).</i></p> <p>-----</p> <p>DIANE RUSSO (Estate of James Russo), <i>Plaintiff(s),</i></p> <p>vs.</p> <p>MARIO & DIBONO PLASTERING, et al <i>Defendant(s).</i></p>

Docket No: L-4953-18 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

These matters coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 19, 2018:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins Lorrette Fisher William Margrabe	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Budd Lerner	Terence W. Camp	Ericsson, Inc.
Caruso Smith Picini	Nicholas Albano III	Asbeka Ind. of NY; CertainTeed; Union Carbide
Clemente Mueller	Matthew Mueller	William Powell Co.
Cullen & Dykman	Andrew MNally	Howden N.A.
Darger Errante	Jennifer Thompson	Lightolier Inc.
Delany McBride	Sara Labashosky	Sharp Electronics
Dickie McCamey	William J. Smith	84 Lumber
Eckert Seamans	Michael A. Posavetz	AO Smith Water Products
Forman Watkins	Matthew G. Broderson	Cooper Industries
Gibbons PC	Phillip J. Duffy	Yuba Heat Transfer,LLC
Harris Beach	David Kochman	Progress Lighting; Prescolite; Hubbell Power Systems
Hoagland Longo	Ibrahim Kosoko	Johnson Controls; Monarch Electric
Jones Law Office	Richard V. Jones	Metropolitan Life
Kelley Jasons	John Martin	FMC Corp.; Schneider Electric f/k/a Square D
Kent McBride	Gregory Mataprese	Mine Safety Appliance
Leader & Berkon	Christine Bucca	IMO; Spirax Sarco
Margolis Edelstein	Nicholas Sulpizio	Belden Wire & Cable; Alpha Wire
Marin Goodman	Fred Goodman	Fluor Corp.

Maron Marvel	Lina C. Flanigan	Velan Valve Corp.
Marshall Dennehey	Paul Johnson	Riley Power; Warren Pumps; Honeywell; Leviton; AIW; RSCC Wire & Cable
McCullough Ginsberg	Jason Schmolze	Okonite Co.
McElroy Deutsch	Donna duBeth Gardiner	Eaton; Rockwell Automation
McGivney Kluger	Thomas McNulty	Weil McLain; CCX; Marley Cooling; Graybar; Gardner Denver; Durametalllic; Flowserve
McGivney Kluger	Caitlin Bodtmann	Federated Dept. Stores; Taco; Grundfos Pumps; Treadwell; Electric Switchboard
O'Brien Firm	Jodie J. Farrow	ABB Inc.; ITE
O'Toole Scrivo	Gary Van Lieu	Hatzel & Buehler; US Electrical
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Trane US, Inc.; General Cable Corp.; Rheem Mfg.
Potters & Della Pietra	Gary Potters	Stevens Institute of Technology
Reilly McDevitt	Michelle Cappuccio	Cleaver Brooks; Aurora Pump; Gould Electronics; General Wire
Rosenberg Jacobs	Christopher Klabonski	Englewood Hospital
Ruprecht Hart	Alexander Stockdale	Circuit Braker Sales
Segal McCambridge	Dinesh Dadlani	BW/IP; Port Authority NY/NJ
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner
Wilbraham Lawler	Jason Harmon	PSE&G

IT IS on this 20th day of **December, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

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

DISCOVERY

March 5, 2019 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.

March 5, 2019 Depositions of corporate representatives shall be completed by this date.

MEDICAL EXPERT REPORT

July 12, 2019 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

March 29, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

July 12, 2019 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.

SUMMARY JUDGMENT MOTION PRACTICE

April 12, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 26, 2019 Summary judgment motions shall be filed no later than this date.

May 24, 2019 Last return date for summary judgment motions.

SETTLEMENT

June 7, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

ECONOMIST EXPERT REPORTS

March 29, 2019 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.

July 12, 2019 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

August 2, 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

March 20, 2019 The settlement conference previously scheduled on this date is **cancelled**.

May 9, 2019 The settlement conference previously scheduled on this date is **cancelled**.

July 12, 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.

August 19, 2019

Trial Date. (*The June 10, 2019 trial is adjourned to this date.*)

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Phillip L. Paley
PHILLIP L. PALEY, J.S.C.

cc: Clerk, Mass Tort