

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

Docket No: **L-6661-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

|                         |                      |
|-------------------------|----------------------|
| DENISE SELBY,           | <i>Plaintiff(s),</i> |
| vs.                     |                      |
| AFC HOLCROFT LLC, 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 February 9, 2016:

| FIRM                 | ATTORNEY                  | CLIENT  |
|----------------------|---------------------------|---|
| Simmons Hanly Conroy | Laurence Nassif           | Plaintiff(s)                                  |
| Baginski Mezzanotte  | Mark Macdonald            | HM Royal                                      |
| Bonner Kiernan       | Sheila King               | Occidental Chemical Corp.                     |
| Breuninger & Fellman | Raymond Chow              | Genuine Parts Co.                             |
| Hawkins Parnell      | Roy Viola                 | Pneumo Abex                                   |
| Landman Corsi        | Joseph Tomaino            | Federal Mogul                                 |
| Lynch Daskal         | Dan Galiardi              | AFC Holcraft                                  |
| Margolis Edelstein   | Jeanine Clark             | JCI   |
| Maron Marvel         | Carolyn Williams          | Industrial Holdings Corp.                     |
| Marshall Dennehey    | Paul Johnson              | Riley Power                                   |
| McElroy Deutsch      | Andrew F. Bain            | Allen Bradley; Eaton; Sprinkman               |
| McGivney Kluger      | Marc J. Wisel             | Brand Insulation                              |
| Pascarella DiVita    | Charles P. Savoth, III    | Crane Co.; Trane USA                          |
| Reilly Janiczek      | Edward Henry              | Cleaver Brooks                                |
| Sedgwick LLP         | Nicole Nielson-Pachkofsky | Borg Warner; CBS/Westinghouse; Foster Wheeler |
| Wilbraham Lawler     | Tristin Fabro             | Plastics Engineering Co.                      |

IT IS on this 11<sup>th</sup> day of **February, 2016**, *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**

February 26, 2016 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.

March 4, 2016 Defendants shall serve answers to standard interrogatories by this date.

February 26, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.

March 28, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

March 4, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

April 1, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 29, 2016 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

April 29, 2016 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.

May 31, 2016 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

June 3, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

May 27, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 10, 2016 Summary judgment motions shall be filed no later than this date.

July 8, 2016 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

February 26, 2016 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

February 26, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

May 31, 2016 Plaintiff shall serve medical expert reports by this date.

May 31, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 29, 2016 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, 2016 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.
- July 29, 2016 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, 2016 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 29, 2016 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 19, 2016 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**

- August 11, 2016 @ 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.
- 10 business days prior to trial Pretrial Information Exchange Form due.
- September 19, 2016 **Trial-Ready** 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