

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

“LOCAL 475 STEAMFITTERS”

DAY  
KOCH

L-7582-15  
L-2117-17

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 31, 2017:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Connell Foley	Scott Press	August Arace; Frank A. McBride; Lawton & Burns
Hack Piro	Robert Alencewicz	Johansen
Hoagland Longo	Jillian Madison	Airgas, individually a/s/f Jersey Welding Supply
Landman Corsi	Jorkeell Echeverria	Acme Plastering
Margolis Edelstein	Jeanine D. Clark	URS Energy & Construction; Woolsulate
McGivney Kluger	Caitlin Bodtmann	Binsky & Snyder; Flowserve
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Crane Co.
Styliades Mezzanotte	Patricia Lyons	Sherman & Chaplin
Tanenbaum Keale	Maryam Meseha	CBS/Westinghouse

IT IS on this 1<sup>st</sup> day of June, 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*.

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.

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

**DISCOVERY**

August 4, 2017 Plaintiff shall serve answers to standard interrogatories.

August 25, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.

September 29, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

August 25, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

September 29, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

October 31, 2017 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.

November 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.

November 30, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

January 5, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 19, 2018 Summary judgment motions shall be filed no later than this date.

February 16, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

August 4, 2017 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

August 4, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

March 16, 2018 Plaintiff shall serve medical expert reports by this date.

May 11, 2018 The defense medical examination of plaintiff(s) shall be completed by this date.

June 15, 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**

March 16, 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.

June 15, 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.

## **EXPERT DEPOSITIONS**

June 29, 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**

June 21, 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

July 23, 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