

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

“LOCAL 475 STEAMFITTERS”

DAY L-7582-15  
KOCH L-2117-17

**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 January 25, 2018:

| FIRM                      | ATTORNEY                   | CLIENT   |
|---------------------------|----------------------------|--|
| Wilentz Goldman & Spitzer | Philip Tortoreti           | Plaintiff(s)                                     |
| Connell Foley             | Scott Press                | August Arace; Frank A. McBride; Lawton & Burns   |
| DeCotiis Fitzpatrick      | Michael Moroney            | Spriax Sarco                                     |
| Hack Piro                 | Robert Alencewicz          | Johansen   |
| Hoagland Longo            | Alyssa DeFuria             | Airgas, individually a/s/f Jersey Welding Supply |
| Landman Corsi             | Emily Kornfeld             | Acme Plastering                                  |
| Margolis Edelstein        | Joshua Sonstein            | URS Energy & Construction; Woolsulate            |
| Mayfield Turner           | Sara Saltzman              | Riggs Distler                                    |
| McGivney Kluger           | Kevin Hoffman              | Binsky & Snyder; Flowserve                       |
| Pascarella DiVita         | Stephanie DiVita           | Ingersoll Rand; Crane Co.                        |
| Styliades Mezzanotte      | Benedict F. Valliere, Esq. | Sherman & Chaplin                                |

IT IS on this 25<sup>th</sup> day of January, 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.

**DISCOVERY**

- February 16, 2018 Plaintiff shall serve answers to standard interrogatories.
- March 2, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 6, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 2, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- April 6, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

- May 11, 2018 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.
- June 11, 2018 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.
- June 11, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- June 25, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- July 6, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 20, 2018 Summary judgment motions shall be filed no later than this date.
- August 17, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- February 16, 2018 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- June 11, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- June 11, 2018 Plaintiff shall serve medical expert reports by this date.
- August 31, 2018 The defense medical examination of plaintiff(s) shall be completed by this date.
- October 5, 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**

- October 5, 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.
- November 2, 2018 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

### **EXPERT DEPOSITIONS**

- November 30, 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                      The settlement conference previously scheduled on this date is **cancelled**.

November 1, 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

December 17, 2018                      Trial Date. (*The July 23, 2018 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