

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

Docket No: **L-6763-09 (AS)**

Civil Action

CASE MANAGEMENT ORDER VIII

JOSEPH TELLADO (Estate of Fred Tellado), <i>Plaintiff(s),</i> vs. FMC CORPORATION, et al <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 January 12, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
DeCotiis Fitzpatrick	Michael Moroney	Electrolux
McGivney Kluger	Thomas McNulty	Dravo Corp.
McGivney Kluger	Joel Clark	Resco Holdings
Pascarella DiVia	Cory Simmons-Edler	Ingersoll Rand
Rawle & Henderson	Jamie Augustinsky	Volvo

IT IS on this 13th day of **January, 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

February 13, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 13, 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 13, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 28, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- April 28, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 12, 2017 Summary judgment motions shall be filed no later than this date.
- June 9, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- February 15, 2017 Plaintiff shall serve medical expert reports by this date.
- February 15, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- July 31, 2017 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

- June 16, 2017 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 31, 2017 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

- June 16, 2017 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 31, 2017 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 21, 2017 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

- April 12, 2017 The settlement conference previously scheduled on this date is **cancelled**.
- May 31, 2017 @ 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.

September 11, 2017

Pretrial Information Exchange Form due.

September 18, 2017

Trial-Ready Date. (*The May 15, 2017 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