

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

**Docket No: L-243-18 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of AVIS THOMPSON, <i>Plaintiff(s),</i>
vs.
AIR & LIQUID SYSTEMS CORP., 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 March 18, 2020:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide; Metropolitan Life
McElroy Deutsch	Joseph Rasnek	Pfizer Inc.
Tanenbaum Keale	Christopher Keale	CBS Corp.
Wilbraham Lawler	Josette Spivak	Air & Liquid Systems Corp. (successor by merger to Buffalo Pumps)

IT IS on this 18<sup>th</sup> day of March 2020, *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.

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.

**DISCOVERY**

- |                |   |
|----------------|---|
| April 30, 2020 | Plaintiff shall serve answers to standard interrogatories by this date.   |
| April 30, 2020 | Plaintiff shall serve answers to wrongful death interrogatories by this date.   |
| May 29, 2020   | 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. |

### **EARLY SETTLEMENT**

April 30, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

July 17, 2020 Plaintiff shall serve medical expert reports by this date.

July 17, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 30, 2020 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**

July 17, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

October 30, 2020 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**

July 24, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 7, 2020 Summary judgment motions shall be filed no later than this date.

September 4, 2020 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

November 20, 2020 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**

To be scheduled Settlement conference.

December 14, 2020 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.