

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

Docket No: **L-8247-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

ARLINGTON & ANGELA TROXELL, <i>Plaintiff(s),</i>
vs.
84 LUMBER CO., 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 May 28, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Carroll McNulty	Michael Moroney	Pro Build
Dickie McCamey	William Smith	84 Lumber; Tasco
Forman Watkins	Thomas M. Toman, Jr.	Cooper Industries
Hoagland Longo	Daniel Kuszmanski	Chicago Wilcox
Kelley Jasons	Jason Scheets	Square D; Henkels & McCoy
Littleton Joyce	Katherine Blok Galdieri	McMaster-Carr
Margolis Edelstein	Dawn Dezii	URS E&C
Marshall Dennehey	Paul Johnson	Air Products
McCarter & English	John Garde	Fisher Scientific
McElroy Deutsch	Helen Antoniou McGowan	AO Smith
McGivney Kluger	Caitlin Christie Nancy Giacumbo	Sloan Valve; Weil McLain; Duriron
O'Toole Fernandez	Michael Garcia	IMI Cash Valve
Reilly Janiczek	Karen Conte	ITT
Swain & Westreich	Kenneth Westreich	Buist
Wilbraham Lawler	Lisa Flickstein	Eastern Penn Supply Co.
Vasios Kelly	Thomas J. Kelly Jr.	Armstrong International; Argo International

IT IS on this 1st day of **June, 2015**, 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

- June 30, 2015 Plaintiff shall serve amended answers to standard interrogatories by this date.
- July 10, 2015 Defendants shall serve answers to standard interrogatories by this date.
- July 24, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 24, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 24, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 24, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 30, 2015 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 16, 2015 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.
- December 18, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 18, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- December 24, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 8, 2016 Summary judgment motions shall be filed no later than this date.
- February 5, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- June 30, 2015 Plaintiff shall serve executed medical authorizations by this date.
- June 30, 2015 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- June 30, 2015 Plaintiff shall serve medical expert reports by this date.

April 8, 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

March 4, 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.

April 8, 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

March 4, 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.

April 8, 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

April 22, 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

April 19, 2016 @ 9:30am 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.

May 9, 2016 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
Brody Deposition Services
Priority One