

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

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

Civil Action

CASE MANAGEMENT ORDER IV

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 February 2, 2017:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
DeCotiis Fitzpatrick	Michael Moroney	Pro Build
Dickie McCamey	William Smith	84 Lumber; Tasco
Eckert Seamans	Robert McGuire	AO Smith
Forman Watkins	Thomas M. Toman, Jr.	Cooper Industries
Hoagland Longo	Jillian Madison	Chicago Wilcox
Kelley Jasons	Angela Claideno	Square D; Henkels & McCoy
Littleton Joyce	Christine M. Delaney	McMaster-Carr
Margolis Edelstein	Jeffrey Hall-Gale	URS E&C
McCarter & English	Elizabeth Monahan	Fisher Scientific
McGivney Kluger	Thomas McNulty	Sloan Valve; Weil McLain; Flowserve
O'Toole Fernandez	Gary Van Lieu	IMI Cash Valave
Swain & Westreich	Robert E. Swain, Jr. Kenneth Westreich	Buist
Wilbraham Lawler	Anisha Abraham	Eastern Penn Supply Co.
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International; Argo International

IT IS on this 2nd day of **February, 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

- March 10, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- April 7, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 7, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 28, 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 28, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

May 5, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

March 1, 2017 The early settlement conference previously scheduled on this date is **cancelled**.

May 17, 2017 @ 9:30am Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

August 21, 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

July 14, 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.

August 21, 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

July 14, 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.

August 21, 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

September 8, 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

August 1, 2017 The settlement conference previously scheduled on this date is **cancelled**.

September 7, 2017 @ 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 the conference.

September 18, 2017 Pretrial Information Exchange submissions due.

September 25, 2017 **Trial-Ready** Date. (*The August 21, 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