

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

**Docket No: L-6640-18 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

WARREN & VERONICA TUMLER, <i>Plaintiff(s),</i>
vs.
ATLANTIC RICHFIELD 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 January 22, 2019:

FIRM	ATTORNEY	CLIENT
Law Office of James Pettit	James Pettit	Plaintiff(s)
Margolis Edelstein	Nicholas Sulpizio	Woolsulate Corp.
Maron Marvel	Timothy Coughlan	Atlantic Richfield Co.
Morgan Lewis	Patrick Elkins	Goulds Pumps
Pascarella DiVita	John S. McGowan	Ingersoll Rand
Swartz Campbell	Laura Bartlow	Sunoco (R&M) LLC
Tanenbaum Keale	Christopher Keale	Foster Wheeler
Wilbraham Lawler	Lynn Roberts	PSE&G

IT IS on this 24<sup>th</sup> day of **January, 2019**, *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**

- |                  |  |
|------------------|--|
| February 1, 2019 | Defendants shall serve answers to standard interrogatories by this date.                           |
| February 1, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| March 1, 2019    | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |

February 1, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

March 1, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

May 1, 2019 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.

May 1, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 1, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

April 30, 2019 @ 1:30pm Early settlement conference.

### **MEDICAL EXPERT REPORT**

February 15, 2019 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

March 1, 2019 Plaintiff shall serve executed medical authorizations by this date.

June 3, 2019 Plaintiff shall serve medical expert reports by this date.

June 3, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 1, 2019 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 3, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

August 1, 2019 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**

May 31, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 14, 2019 Summary judgment motions shall be filed no later than this date.

July 12, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

August 30, 2019 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 27, 2019 @ 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.
September 23, 2019	Pretrial Information Exchange submissions due.
September 30, 2019	Trial-Ready 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