

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

**Docket No:** L-6196-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ESTATE of LEROY VARI,  vs.  CHICAGO BRIDGE & IRON CO., et al	<i>Plaintiff(s),</i>    <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 September 13, 2018:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
McGivney Kluger	Pooja Patel	Madsen & Howell
Rawle & Henderson	David Samlin	Nicholas Schwalje, Inc.
Ricci Tyrrell	Nancy Green	Chicago Bridge & Iron
Tanenbaum Keale	James Keale	Foster Wheeler
Wilson Elser	Joseph Hanlon	Chevron

IT IS on this 17<sup>th</sup> day of **September, 2018**, *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**

- November 16, 2018 Plaintiff shall serve answers to standard interrogatories.
- November 16, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 7, 2018 Defendants shall serve answers to standard interrogatories by this date.
- December 28, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- February 8, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 28, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 8, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 15, 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.

March 15, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 16, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 28, 2019 Summary judgment motions shall be filed no later than this date.

July 26, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

November 16, 2018 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

November 16, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

May 31, 2019 Plaintiff shall serve medical expert reports by this date.

September 6, 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**

May 31, 2019 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.

September 6, 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.

### **EXPERT DEPOSITIONS**

October 4, 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**

April 24, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

October 3, 2019 @ 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.

November 4, 2019                      Trial Date. (*The May 20, 2019 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