

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

Docket No: L-1124-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

ESTATE of WILLIAM VIOLA, <i>Plaintiff(s),</i>
vs.
ADVANCED THERMAL HYDRONICS, 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 3, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Caruso Smith	Nicholas Albano, III	Union Carbide
Clyde & Co.	Kevin Turbert	American Premier Underwriters; Burnham; Jenkins Bros.
Delany McBride	Sara Labashosky	Peerless Ind.
Goldfein & Joseph	Madhurika Jeremiah	Asbestos Corp. Ltd.; Bell Asbestos Mines
Hoagland Longo	Amie Kalac	Flexible Technologies
McCarter & English	Debra M. Perry	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Caitlin Bodtmann	Taco Inc.; Pecora Corp.
Pascarella DiVita	Madelyn Iulo	Ingersoll Rand; Tane US; Crane Co.
Rawle & Henderson	Sebastian Goldstein	Imerys Talc America; Cyprus Amax Minerals
Reilly McDevitt	Adrianna Astringer	RAL Supply Co.
Troutman Sanders	Richard O'Leary	Mestek; Advanced Thermal Hydronics

IT IS on this 4th 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.

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

January 31, 2019 Plaintiff shall serve answers to wrongful death interrogatories by this date.

January 31, 2019 Defendants shall serve answers to standard interrogatories by this date.

February 28, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.

March 29, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 28, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

March 29, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

May 31, 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.

June 28, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

September 20, 2019 Plaintiff shall serve medical expert reports by this date.

September 20, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 13, 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

September 20, 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.

December 13, 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

September 27, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 11, 2019 Summary judgment motions shall be filed no later than this date.

November 8, 2019 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

September 20, 2019 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.

December 13, 2019 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

January 17, 2010 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.

February 10, 2020 Trial Date. *(The November 11, 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