

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

Docket No: L-3037-18 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ALLEN & ANITA ZAGIER, <i>Plaintiff(s),</i>
vs.
AMCHEM PRODUCTS INC., 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 December 28, 2018:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Amchem; Union Carbide; Metropolitan Life
Gibbons PC	Phillip J. Duffy	Yuba Heat Tansfer
Harris Beach	Matthew Quirin	Milton Roy
Leader & Berkon	Christine Bucca	IMO; Spirax Sarco; Electrolux
Maron Marvel	Timothy Coughlan	Velan Valve Corp.
Marshall Dennehey	Paul Johnson	Riley Power
McElroy Deutsch	Denise Harris	Flowserve US, Inc.; Pfizer
McGivney Kluger	Caitlin Bodtmann	Madsen & Howell; Armstrong International; Brand Insulations
Montgomery Fetten	Jeffrey Stutynski	JH France Refractories
Pascarella DiVita	Bradley E. Bishop	Crane Co.
Segal McCambridge	Justine A. Martolano	BW/IP, Inc.
Tanenbaum Keale	Pamela R. Kaplan	CBS/Westinghouse; Foster Wheeler
Wilbraham Lawler	Lynn Roberts	PSE&G

IT IS on this 2nd 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

- January 18, 2019 Defendants shall serve answers to standard interrogatories by this date.
- January 31, 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.
- January 31, 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 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.
- May 31, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- July 5, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

- June 28, 2019 Plaintiff shall serve medical expert reports by this date.
- June 28, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 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

- June 28, 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.
- September 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

- July 5, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 19, 2019 Summary judgment motions shall be filed no later than this date.
- August 16, 2019 Last return date for summary judgment motions.

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

October 4, 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.

October 28, 2019 Pretrial Information Exchange submissions due.

November 4, 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