

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

<p>ROBERT &amp; EILEEN ZAWACKI,  <i>Plaintiff(s),</i></p> <p>vs.</p> <p>AUGUST ARACE &amp; SONS, et al  <i>Defendant(s).</i></p>
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Docket No: **L-4564-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on July 22, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Connell Foley	Richard Jagen	August Arace
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Calon Insulation
Hawkins Parnell	Roy Viola	Milwaukee Valve
Hoagland Longo	Daniel Kuzmerski	Goulds Pumps; Industrial Welding
Kent McBride	Brad Lawrence	Binsky; TJ McGlone; Mooney
Landman Corsi	Joseph Tomaino	Sequoia Ventures, Inc.
Langsam Stevens	Jeannie Park Lee	Zy-Tech Global
Margolis Edelstein	Justin M. Bettis	Woolsulate; Central Jersey Supply
Marks O'Neill	Paul Smyth	Nicholas Schwalje Inc.
McGivney Kluger	Thomas B. McNulty	Faribanks; Flowserve
McGivney Kluger	Pooja Patel	Raritan Supply; Bergen Ind.; Madsen & Howell
Pascarella DiVita	Brad Bishop	Crane Co.; Ingersoll Rand
Reilly Janiczek	Matthew Franson	Cleaver Brooks; Miller & Chitty
Tierney Law Office	Michael O'Neill	Elizabeth Industrial Supply

IT IS on this **4th** day of August, **2015**, *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**

- August 7, 2015      Defendants shall serve answers to standard interrogatories by this date.
- September 30, 2015      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 30, 2015      Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 30, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

October 30, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 15, 2016 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.

January 15, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

January 29, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

February 5, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 19, 2016 Summary judgment motions shall be filed no later than this date.

March 18, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

September 15, 2015 Plaintiff shall serve medical expert reports by this date.

September 15, 2015 Upon request, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 15, 2016 Defendants shall identify its medical experts and serve medical expert 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**

April 15, 2016 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.

May 16, 2016 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**

April 15, 2016 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.

May 16, 2016 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**

May 31, 2016 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 11, 2015 The settlement conference previously scheduled on this date is **cancelled**.

October 1, 2015 The settlement conference previously scheduled on this date is **cancelled**.

March 1, 2016 @ 9:30am 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.

June 1, 2016 @ 9:30am 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.

June 20, 2016 Trial Date. *(The October 19, 2015 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  
Brody Deposition Services  
Priority One