

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

Docket No: **L-759-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of HOWARD McCARTNEY (Rosalie McCartney), vs. ABB INC., 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 May 21, 2015:

FIRM	ATTORNEY	CLIENT
Wysoker Glassner Weingartner	Robert Krieger	Plaintiff(s)
Baginski Mezzanotte	Emily Ferrell	Thermatic
Carroll McNulty	Michael Moroney	Spirax Sarco; Copes Vulcan
Caruso Smith Picini	Joyce Min	Union Carbide; CertainTeed; AmChem
Connell Foley	Scott Press	Superior Welding Supply
Dickie McCamey	William Smith	84 Lumber; Conval; Anixter; Erie Press; Pintchik; New Jersey Plumbing Supply; Sager; Tasco
Garrity Graham	Frank H. Reimers	Industrial Petrolic Corp.
Hoagland Longo	Shazia deWit	Kohler; Wallwork Brothers; Westfield Plumbing & Heating; Condensor Specialties; Westside Plumbing; York; Frick; Superior Welding & Boiler; Thermo Dynamics Boiler; Namac Corp.
Hoagland Longo	Steven F. Satz	AirGas/Jersey Welding; Industrial Welding Supply; Abe Gruber Supply; Chicago Blower; Collins Packing; Community Plumbing; Max L. Brown; Mercer Oxygen; Maxon ; AGL Welding Supply
Kent McBride	Charles P. Savoth, III	Binsky & Snyder; Marsam; ECR Int'l; Mooney Brothers; MSA; Tiger; TJ McGlone; Trilco
Manion Gaynor Manning	Whitney L. Frame <i>(by phone)</i>	AW Chesterton <i>(national counsel)</i>
Margolis Edelstein	Dawn Dezii	Lincoln Supply; Woolsulate; Central Jersey Supply; Columbia Boiler
Marshall Dennehey	Paul Johnson	Riley Power; SurSeal
McGivney Kluger	Thomas McNulty Caitlin Christie	Duro Dyne; FF Blaisdell; Factory & Mill; Madsen & Howell; Bergen Industrial; Raritan Supply; IPA Systems; Flowserve Corp.; Graybar Electric; Federal Supply
O'Brien Firm	Brian P. Lawlor	Basic; Grant Supply
O'Toole Fernandez	Jacqueline Muttick	Industrial Controls; Central Engineering & Supply; Clark Reliance; Dana; JW Goodliffe & Sons; Peerless Industries; IMI Cash Valve
Pascarella DiVita	Joshua Greeley	Trane US, Inc.; Ingersoll Rand
Reilly Janiczek	Brandy Harris	Cleaver Brooks; York Corrugating
Sedgwick LLP	Bridget Polloway	Foster Wheeler; General Electric

Tierney Law Office	Mark Turner	Elizabeth Industrial Supply
Lisa P. Wildstein LLC	Michael Murphy	American Lubricants

IT IS on this 21st day of May, 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.

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.

DISCOVERY

- May 29, 2015 Defendants shall serve answers to standard interrogatories by this date.
- June 12, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 13, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 12, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 13, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 15, 2015 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.
- October 16, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- October 23, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.
- November 13, 2015 @ 9:30am Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

- November 6, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 20, 2015 Summary judgment motions shall be filed no later than this date.

December 18, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

August 31, 2015 Plaintiff shall serve medical expert reports by this date.

January 29, 2016 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

January 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.

February 15, 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.

EXPERT DEPOSITIONS

February 29, 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

March 11, 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.

March 21, 2016 Trial 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