

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

Docket No: **L-6103-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

|  |  |
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| ESTATE of JOHN MUOIO,<br><br>vs.<br><br>CM FURNACES, INC., et al | <i>Plaintiff(s),</i><br><br><br><br><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 February 3, 2016:

| FIRM                      | ATTORNEY       | CLIENT            |
|---------------------------|----------------|-------------------|
| Wilentz Goldman & Spitzer | Jon Kupilik    | Plaintiff(s)      |
| O'Toole Fernandez         | Bruce Braender | CM Furnaces, Inc. |

IT IS on this 4<sup>th</sup> day of **February, 2016**, *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**

- February 26, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 29, 2016 Defendant shall provide a witness disclosure letter by this date.
- February 29, 2016 Defendant shall provide insurance information by this date.
- March 28, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 29, 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.

July 29, 2016            Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

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

**SUMMARY JUDGMENT MOTION PRACTICE**

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

September 16, 2016     Last return date for summary judgment motions.

**MEDICAL DEFENSE**

March 31, 2016         Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 31, 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**

November 1, 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.

December 30, 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**

November 1, 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.

December 30, 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**

January 20, 2017        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 6, 2017

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