

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

Docket No: **L-2012-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

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| FREDERICK & MARY ROUGHGARDEN, <i>Plaintiff(s),</i> vs. ARZEE SUPPLY CORP. OF NJ, 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 2, 2014:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|--|----------------------------|
| Wilentz Goldman & Spitzer | Philip Tortoreti | Plaintiff(s) |
| Caruso Smith Picini | Marcia DePolo | CertainTeed; Union Carbide |
| Lynch Daskal Emery | Alexander Broche | Georgia Pacific |
| Margolis Edelstein | Jeanine Clark | Arzee; Norge Builders |
| Strasser & Associates | Conrad Olear cmo@strasserlaw.com | Rocket Building Supply |

IT IS on this 2nd day of **December, 2014** 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

- | | |
|-------------------|--|
| December 10, 2014 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| January 12, 2015 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| December 10, 2014 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| January 12, 2015 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |

February 13, 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.

February 13, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

February 20, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

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

March 20, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

January 30, 2015 Plaintiff shall serve medical expert reports by this date.

January 30, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 31, 2015 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

February 27, 2015 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.

March 31, 2015 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

February 27, 2015 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.

March 31, 2015 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

April 17, 2015 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

February 26, 2015 The settlement conference previously scheduled on this date is **cancelled**.

March 27, 2015 @ 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. 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.

April 27, 2015 Trial Date. (*The March 30, 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