

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

**Docket No:** L-3453-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER VII**

ESTATE of THEODORE ABBOTT, <i>Plaintiff(s),</i>
vs.
AMERICAN BILTRITE, 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 March 8, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide
McGivney Kluger	Jeffrey Kluger	R.E. Carroll, Inc.
O'Toole Scrivo	Joshua Lichtenstein	R.T. Vanderbilt
Rawle & Henderson	Christine Gonzales	Cyprus Amax Minerals; Imerys Talc America
Styliades Hassan	Mark Macdonald	HM Royal

IT IS on this 12<sup>th</sup> day of March, 2018, *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**

April 30, 2018            Site inspection of American Biltrite shall be conducted by this date.

**EARLY SETTLEMENT**

July 20, 2018            Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

May 25, 2018            Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 8, 2018            Summary judgment motions shall be filed no later than this date.

July 6, 2018            Last return date for summary judgment motions.

### MEDICAL DEFENSE

August 10, 2018 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.

August 31, 2018 Plaintiff shall serve a rebuttal expert medical report, if any, by this date.

### LIABILITY EXPERT REPORTS

May 11, 2018 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.

August 10, 2018 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

May 11, 2018 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.

August 10, 2018 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

September 14, 2018 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

June 7, 2018 The settlement conference previously scheduled on this date is **cancelled**.

September 6, 2018 @ 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.

October 15, 2018 Trial Date. (*The July 16, 2018 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