

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

**Docket No:** L-3447-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER V**

ESTATE of RICHARD PETRUSHEVICH, <i>Plaintiff(s),</i>
vs.
CATERPILLAR INC., 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 *January 22, 2019*:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Tanenbaum Keale	James Keale	Perkins Engines, Inc.

IT IS on this 24<sup>th</sup> day of **January, 2019**, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

April 15, 2019            Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

June 14, 2019            Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

March 29, 2019            Plaintiff shall serve medical expert reports by this date.

September 6, 2019        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**

- May 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- September 6, 2019 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- June 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 28, 2019 Summary judgment motions shall be filed no later than this date.
- July 26, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

- October 4, 2019 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**

- July 19, 2019 The settlement conference previously scheduled on this date is **cancelled**.
- October 3, 2019 @ 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.
- November 4, 2019 Trial Date. (*The August 26, 2019 trial date 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