

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VIII**

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 June 19, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Caruso Smith	Lisa Massism	Union Carbide
McGivney Kluger	Jeffrey Kluger	R.E. Carroll, Inc.
McGivney Kluger	Jennifer Hally	HM Royal
O'Toole Scrivo	Glenn Chew	R.T. Vanderbilt
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America; American Biltrite

IT IS on this 20<sup>th</sup> day of June, 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**

- July 9, 2018 R.E. Carroll shall propound interrogatories on American Biltrite by this date.
- August 10, 2018 American Biltrite shall respond to R.E. Carroll's interrogatories by this date.
- August 31, 2018 Site inspection of American Biltrite shall be conducted by this date.
- September 28, 2018 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.

**EARLY SETTLEMENT**

- December 14, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- October 26, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 9, 2018 Summary judgment motions shall be filed no later than this date.
- December 7, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- July 13, 2018 Plaintiff shall advise as to position regarding testing by Dr. Roggli by this date.
- January 18, 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**

- October 31, 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.
- January 18, 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.

## **ECONOMIST EXPERT REPORTS**

- October 31, 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.
- January 18, 2019 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**

- February 15, 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**

- September 6, 2018 The settlement conference previously scheduled on this date is **cancelled**.
- January 31, 2019 @ 1:30pm 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 18, 2019

Trial Date. *(The October 15, 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