

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

Docket No: **L-2503-13 (AS)**

<p>DENNIS EDWARD BERGBAUER,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>E.I. DuPONT DeNEMOURS & CO., et al</p> <p style="text-align: center;"><i>Defendant(s).</i></p>
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Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 17, 2014:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Gonen Halkay	Plaintiff(s)
Caruso Smith Picini	Ronald S. Suss	CertianTeed; Union Carbide
Darger Errante	Sandra Steinman	Pfandler
Goldfein & Joseph	Madhurika Jeremiah	ACL
Hoagland Longo	Kristi Luzzetti	Goulds Pumps
Kelley Jasons	Angela Caliendo	Hercules; McCoy
McGivney Kluger	Wendy Kagan	Duro Dyne
McGivney Kluger	Caitlin Christie	Brand Insulation; Avocet
O'Toole Fernandez	Jacqueline Muttick	Clark Reliance
Pascarella DiVita	Corinne Cerrati	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Karen J. Stanzione	Cleaver Brooks
Speziali Greenwald	Joanne Hawkins	CBS/Westinghouse; Foster Wheeler; General Electric

IT IS on this 18th day of June, 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.

Defense counsel shall notify plaintiffs' 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

June 30, 2014

Defendants shall serve answers to standard interrogatories by this date.

July 11, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 8, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 11, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

August 8, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 30, 2014 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.

September 30, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 6, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

October 10, 2014 Summary judgment motions shall be filed no later than this date.

November 7, 2014 Last return date for summary judgment motions.

MEDICAL DEFENSE

September 30, 2014 Plaintiff shall serve medical expert reports by this date.

September 30, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 28, 2014 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

October 31, 2014 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 8, 2014 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.

EXPERT DEPOSITIONS

January 9, 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

December 10, 2014 @ 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.

January 26, 2015 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
 Brody Deposition Services
 Priority One