

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

**Docket No: L-3597-19 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

KATHRYN BROOKS (Estate of Edwin Brooks),  vs. BORGWARNER MORSE TEC LLC, et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 11, 2019:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Goldberg Segalla	Jessica Saad	CNH Industrial America
Hardin Kundla	Cynthia Lee	Deere & Co.
McGivney Kluger	Trish Wilson	Wester Auto Supply Co.
O'Toole Scrivo	Franklin Paez	DCo
Tanenbaum Keale	Pamela R. Kaplan	BorgWarner; Foster Wheeler

IT IS on this 12<sup>th</sup> day of **September 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.

Defense counsel shall notify plaintiff's 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.

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**

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|------------------|--|
| October 18, 2019 | Defendants shall serve answers to standard interrogatories by this date.                           |
| November 1, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| December 6, 2019 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| November 1, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date.         |

- December 6, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 28, 2020 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 28, 2020 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- June 12, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- February 28, 2020 Plaintiff shall serve medical expert reports by this date.
- February 28, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- July 10, 2020 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**

- March 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- July 10, 2020 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**

- April 10, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 24, 2020 Summary judgment motions shall be filed no later than this date.
- May 22, 2020 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

- August 7, 2020 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**

August 6, 2020 @ 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.

September 8, 2020 (*Tuesday*) 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