

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

Docket No: L-6044-17 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

ESTATE of CURTIS CLAYTON, <i>Plaintiff(s),</i>
vs.
BIRD INCORPORATED, 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 November 22, 2019:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Joseph Mandia	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
Caruso Smith	Thomas M. Rogers	Union Carbide; CertainTeed
McCarter & English	Amanda M. Munsie	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Joel Clark	DAP
O'Toole Scrivo	Gary Van Lieu	Vanderbilt Minerals
Rawle & Henderson	Sebastian Goldstein	Cyprus Amax Minerals
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.

IT IS on this 22nd day of November 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

March 30, 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.

April 30, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

September 18, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

June 1, 2020 Plaintiff shall serve medical expert reports by this date.

June 1, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 4, 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

July 6, 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.

September 4, 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

September 18, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 2, 2020 Summary judgment motions shall be filed no later than this date.

October 30, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

July 6, 2020 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.

September 4, 2020 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

November 25, 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

November 17, 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.

December 21, 2020 Trial Date. (*The August 31, 2020 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