

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

Docket No: L-3174-13 (AS)

Civil Action

CASE MANAGEMENT ORDER III

FRED FLAGG, vs. HONEYWELL INTERNATIONAL INC., et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
---	--

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *July 6, 2016*:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Bonner Kiernan	Mark A. Lockett	Occidental Chemical Corp.; Olin Corp.
Eckert Seamans	Stephanie Coleman	AO Smith
Gibbons PC	Ethan Stein	Honeywell International Inc.
Hill Wallack	Augusta O'Neill	Hoeganaes Corp.
Kent McBride		Alfa Laval
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Caitlin Christie	Weil McLain; Campbell Soup; Brand Insulations
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Matthew Franson	Cleaver Brooks, Inc.
Sedgwick LLP / Speziali	Joanne Hawkins	Borg Warner; Foster Wheeler
Slowinski Atkins	Angelo Cuonzo	Kindor Morgan
Wilbraham Lawler	Michelle Kirsch	PSE&G

IT IS on this 7th day of **July, 2016**, *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

- September 15, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 17, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 15, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

- October 17, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 30, 2016 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.
- January 31, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- February 10, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- February 10, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 3, 2017 Summary judgment motions shall be filed no later than this date.
- March 31, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- October 31, 2016 Plaintiff shall serve medical expert reports by this date.
- October 31, 2016 Upon request of defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 28, 2017 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

- April 28, 2017 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.
- May 31, 2017 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

- April 28, 2017 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.
- May 31, 2017 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

- June 16, 2017 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 9, 2016 The settlement conference previously scheduled on this date is **cancelled**.

June 1, 2017 @ 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.

June 26, 2017 Trial Date. *(The October 3, 2016 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