

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

**Docket No:** L-3174-13 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IX**

ESTATE of FRED FLAGG,  vs.  HONEYWELL INTERNATIONAL INC., 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 9, 2019:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Bonner Kiernan	Kevin Monastra	Occidental Chemical Corp.; Olin Corp.
Eckert Seamans	Michael A. Posavetz	AO Smith
Gibbons PC	Ethan Stein	Honeywell International Inc.
Kent McBride	Matthew Forys	Alfa Laval
Leader Berkon	Christine Bucca	Weil McLain
Margolis Edelstein	Dawn Dezii	Polyone Corp.
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Joseph Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Thomas McNulty	Brand Insulations; Campbell Soup
Pascarella DiVita	John McGowan	Ingersoll Rand
Porzio Bromberg	Tanya Y. Shah	DuPont
Reilly McDevitt	Hena Kumar	Cleaver Brooks, Inc.
Slowinski Atkins	Angelo Cuonzo	Kindor Morgan
Tanenbaum Keale	Elizabeth Gee	Borg Warner; Foster Wheeler`
Wilbraham Lawler	Josette Spivak	PSE&G

IT IS on this 11<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.

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**

April 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.

May 29, 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**

October 23, 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**

August 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.

October 23, 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**

June 12, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 26, 2020 Summary judgment motions shall be filed no later than this date.

July 24, 2020 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

August 31, 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.

October 23, 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 13, 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**

October 1, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

November 12, 2020 @ 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.

December 14, 2020                      Trial Date. (*The February 24, 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/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc:        Clerk, Mass Tort