

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

Docket No: L-3534-14 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of ROBERT HEARNS, <i>Plaintiff(s),</i>
vs.
ACE WIRE & CABLE CO., 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 December 11, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Dickie McCamey	William Smith	Crescent Electric Supply
Flynn Watts	Michael Moroney	Spirax Sarco
Hoagland Longo	James Creech	Exteco Inc.
Kelley Jasons	John Martin	Square D
Langsam Stevens	David McHale	Zy-Tech Global
Marks O'Neill	V. Ava Murray	Brazill Brothers & Assoc.
Marshall Dennehey	Arthur Bromberg	Leviton Mfg. Co. Inc.
McGivney Kluger	Nicholas Gemma	Major Inc.; Amboy Lighting; Binsky & Snyder
McGivney Kluger	John A. Bitetto III	CCX Inc.; Consolidated Electric Wire & Cable; Ace Wire & Cable Co., Inc.
O'Toole Scrivo	Gary Van Lieu	US Electrical Services; Hatzel & Buehler Inc.
Ricci Tyrrell	Nancy Green	Chicago Bridge & Iron
Wilbraham Lawler	Josette Spivak	Air Con., Inc.

IT IS on this 12th day of **December 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

- January 3, 2020 Defendants shall serve answers to standard interrogatories by this date.
- January 3, 2020 Defendants shall propound supplemental interrogatories and document requests by this date.
- February 3, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 31, 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.
- March 31, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 18, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.
- January 29, 2020 @ 10:00am Early settlement conference.

MEDICAL EXPERT REPORT

- July 31, 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

- April 30, 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 31, 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

- May 8, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 22, 2020 Summary judgment motions shall be filed no later than this date.
- June 19, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- April 30, 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.
- July 31, 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

August 31, 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 25, 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 28, 2020 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