

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

Docket No: **L-2077-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER VI

ESTATE of MARY HUGO, (John J. Ragan, Executor), <i>Plaintiff(s),</i>
vs.
BORG WARNER MORSE TEC, 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 October 13, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Caruso Smith Picini	Marcia DePolo	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Herzfeld & Rubin	Nadine Kohane	Volkswagen Group of America, Inc.
Kaufman Borgeest	Christopher Warren	Morton International
Landman Corsi	Charles Mondora	Federal Mogul
LeClair Ryan	Gregory S. Thomas	Ford
O'Toole Fernandez	Gary Van Lieu	Dana
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Crane
Sedgwick LLP	Afigo Fadahunsi	Borg Warner; ExxonMobil Corp.
Wilbraham Lawler	Tristin Fabro	Kelsey-Hayes Co.

IT IS on this 13th day of October, 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

- January 6, 2017 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 3, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

February 17, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

February 17, 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

February 28, 2017 Plaintiff shall serve medical expert reports by this date.

May 5, 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

February 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 5, 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.

EXPERT DEPOSITIONS

May 31, 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

January 11, 2017 The settlement conference previously scheduled on this date is **cancelled**.

February 15, 2017 The settlement conference previously scheduled on this date is **cancelled**.

May 19, 2017 @ 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. 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 19, 2017

Trial Date. (*The March 13, 2017 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