

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

**Docket No:** L-5516-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IX  
2<sup>nd</sup> AMENDMENT**

ESTATE of STEPHEN KOPP III, <i>Plaintiff(s),</i>
vs.
BRIDGESTONE FIRESTONE NORTH AMERICA TIRE, LLC, et al <i>Defendant(s).</i>

*This matter having previously come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 2, 2019 and amended on May 30, 2019:*

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
<i>Levy Konigsberg</i>	<i>Lara Weissman</i>	<i>Plaintiff(s)</i>
<i>Breuninger &amp; Fellman</i>	<i>Raymond Chow</i>	<i>Genuine Parts Co.; National Automotive Parts Assoc.; TMD Friction Inc.</i>
<i>Budd Lerner</i>	<i>Terence W. Camp</i>	<i>Goodyear Tire &amp; Rubber Co.</i>
<i>Caruso Smith</i>	<i>Alexandra Caruso</i>	<i>Union Carbide</i>
<i>Delany McBride</i>	<i>Robert DiSandro</i>	<i>Hitachi Chemical Co. America</i>
<i>Gibbons</i>	<i>Daniel Dorfman</i>	<i>Honeywell International</i>
<i>Goldberg Segalla</i>	<i>H. Lockwood Miller</i>	<i>Navistar International</i>
<i>Greenbaum Rowe</i>	<i>Brian Kornbrek</i>	<i>American Honda Motor Co., Inc.</i>
<i>Hawkins Parnell</i>	<i>Roy Viola</i>	<i>Pneumo Abex</i>
<i>Kaufman Borgeest</i>	<i>Jon Hallett</i>	<i>Morton International</i>
<i>Landman Corsi</i>	<i>Oliver Encarnacion</i>	<i>Fel-Pro</i>
<i>Lavin Cedrone</i>	<i>Edward Finch</i>	<i>Toyota Motor Sales, USA; Sumitomo Electric USA; Mazda North American Operations, Inc.</i>
<i>LeClair Ryan</i>	<i>Gary M. Sapir</i>	<i>Ford</i>
<i>Lynch Daskal</i>	<i>Daniel Gagliardi</i>	<i>Luk Clutch Systems</i>
<i>Margolis Edelstein</i>	<i>Dawn Dezii</i>	<i>Goodrich Corp.</i>
<i>McElroy Deutsch</i>	<i>Joseph D. Rasnek</i>	<i>ExxonMobil Corp.</i>
<i>McGivney Kluger</i>	<i>Trish Wilson</i>	<i>ZF North American, Inc.; Western Auto Supply Co.</i>
<i>O'Toole Scrivo</i>	<i>Gary Van Lieu</i>	<i>Akebono Brake</i>
<i>Rawle &amp; Henderson</i>	<i>Samuel Garson</i>	<i>Hennessy</i>
<i>Tanenbaum Keale</i>	<i>Christopher Keale</i>	<i>Borg Warner Morse Tec</i>
<i>Wilbraham Lawler</i>	<i>Josette Spivak</i>	<i>Kelsey Hayes</i>
<i>Wilson Elser</i>	<i>Joseph Hanlon</i>	<i>Texaco</i>

IT IS on this **16<sup>th</sup>** day of **OCTOBER 2019**, that Case Management Order IX Amended is hereby further

**AMENDED** 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.

### **EARLY SETTLEMENT**

December 13, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

November 29, 2019 Plaintiff shall serve medical expert reports by this date.

November 29, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 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**

November 29, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

March 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**

December 13, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 27, 2019 Summary judgment motions shall be filed no later than this date.

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

### **EXPERT DEPOSITIONS**

May 15, 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**

To be scheduled

Settlement conference.

July 13, 2020

Trial Date. *(The April 13, 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