

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

Docket No: L-2523-18 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

ADAM WILKERSON (Estate of Suellen Jones), <i>Plaintiff(s),</i> vs. AKEBONO BRAKE CORPORATION, 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 November 14, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Abrams Gorelick	James Brown	Akebono Brake Corp.
Breuninger & Fellman	Steven Greenstein	TMD Friction
Caruso Smith Picini	Thomas M. Rogers	Union Carbide
Clyde & Co.	Kevin Turbert	Burnham LLC
Delany McBride	Tom Wallace	Hitachi Chemical Co.
Leader Berkon	Christine Bucca	Weil McLain
O'Toole Scrivo	Gary Van Lieu	Somerville Lumber
Pascarella DiVita	Rosanne Palumbo	Trane US, Inc.

IT IS on this 18th day of November 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

February 14, 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 13, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 17, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

May 15, 2020 Plaintiff shall serve medical expert reports by this date.

May 15, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 11, 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

May 15, 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.

September 11, 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 29, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 12, 2020 Summary judgment motions shall be filed no later than this date.

July 10, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

May 15, 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.

September 11, 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

October 9, 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.

November 9, 2020 Trial Date. (*The June 1, 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: counsel:

Lynch Daskal *for Nissan North America*

cc: Clerk, Mass Tort