

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

**Docket No:** L-6623-11 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

RICHARD AYALA,

*Plaintiff(s),*

vs.

AGCO CORPORATION, et al

*Defendant(s).*

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on December 8, 2011 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Levy Phillips & Konigsberg	John Guinan	Plaintiff(s)
Braaten & Pascarella	Thomas M. Toman Jr.	Rheem Mfg.; Trane US; Cooper Ind.; Ingersoll-Rand
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Gibbons	Alan Gries	Selby
Hoagland Longo	Kristy Lyons	Goulds; Burnham; York
Leader & Berkon	Joseph Fontak	IMO; Spriax Sarco
Lynch Daskal	Ian S. Millican	Georgia Pacific
Margolis Edelstein	Ashley Mollenthiel	Columbia Boiler Co.
Marks O'Neil	Sebastian Goldstein	Whirlpool
Marshall Dennehey	Nadira Kirkland	Kaiser Gypsum
Mattson Madden Leith	John Leith	Okonite
Mayfield Turner	Joshua Locke	Carrier
McCarter & English	David Cooner	Ashland; Hercules
McElroy Deutsch	Joshua Greeley	Eaton
McGivney Kluger	Joel Clark	Nash; Weil McLain; Taco; Gorman Rupp; Gardner Denver; Duriron; Kentile
McGowan Law Offices	John McGowan	Sears
Montgomery Chapin	John Fetten	JH France
Reilly Janiczek	Colin Scanlon	Aurora Pump; Cleaver Brooks; ITT
Salmon Ricchezza	John Dugan	AGCO
Speziali Greenwald	Michael Quinn	CBS
Wilbraham Lawler	Michael Block Jr.	Buffalo Pumps

IT IS on this 9<sup>th</sup> day of December, 2011 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 plaintiffs' 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.

### **DISCOVERY**

December 30, 2011	Defendants shall serve answers to standard interrogatories by this date.
January 13, 2012	Plaintiff shall propound supplemental interrogatories and document requests by this date.
February 10, 2012	Defendants shall serve answers to supplemental interrogatories and document requests by this date.
January 13, 2012	Defendants shall propound supplemental interrogatories and document requests by this date.
February 10, 2012	Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
March 30, 2012	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 30, 2012	Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 6, 2012	Settlement demands shall be served on all counsel and the Special Master by this date.
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### **SUMMARY JUDGMENT MOTION PRACTICE**

April 20, 2012	Summary judgment motions limited to product identification issues shall be filed no later than this date.
May 18, 2012	Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

December 30, 2011	Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.
April 6, 2012	Plaintiff shall serve additional medical expert reports by this date.

April 6, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 11, 2012 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

April 30, 2012 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 31, 2012 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**

June 22, 2012 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**

June 8, 2012 @ 10:00am Final 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.

July 23, 2012 Trial Date.

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One