

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

Docket No: **L-5669-11 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

NICHOLAS BALOG & ADORACION BALOG, <i>Plaintiff(s),</i> vs. PROCEDYNE CORP., et al <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on November 21, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella Rayna Kessler	Plaintiff(s)
Caruso Smith	Ronald S. Suss	Asbeka; Union Carbide
Hofheimer Gartlir	Gary Smith	Rapid American
Lavin O'Neil	Catherine Brunermer	3M Company
Magee & Magee	Granville D. Magee	Alltite

IT IS on this 26th day of November, 2012 *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 7, 2012 Defendants shall serve answers to standard interrogatories by this date.

November 30, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.

December 28, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

- November 30, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.
- December 28, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 18, 2013 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.
- January 18, 2013 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- February 28, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- January 25, 2013 Summary judgment motions limited to product identification issues shall be filed
- February 22, 2013 Last return date for product identification summary judgment motions.

OTHER MOTIONS

- February 8, 2013 Filing date.
- March 8, 2013 Return date.

MEDICAL DEFENSE

- December 5, 2012 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.
- December 5, 2012 Plaintiff shall serve additional medical expert reports by this date.
- February 15, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- January 18, 2013 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.
- February 15, 2013 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.

March 15, 2013 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

ECONOMIST EXPERT REPORTS

January 25, 2013 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.

February 22, 2013 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

March 29, 2013 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

March 21, 2013 @ 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.

April 15, 2013 Trial Date.

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

/s/ Vincent Le Blon
VINCENT Le BLON, J.S.C.

cc: counsel:
Goldfein & Joseph
Marks O'Neill
cc: Clerk, Mass Tort
Brody Deposition Services
Priority One