

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

Docket No: **L-145-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of HARVEY BIRCH,
<i>Plaintiff(s),</i>
vs.
AIW 2010 WIND DOWN CORP., 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 January 13, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Bonner Kiernan	Sheila King	Occidental Chemical Corp.
Caruso Smith	Lisa Massimi	Union Carbide
Gibbons	Christopher P. DePhillips	AT&T Corp.
Lavin O'Neil	Edward Finch	Verizon New Jersey Inc.
Locke Lorde	Aileen McTiernan	Alcatel-Lucent
Marshall Dennehey	Christopher B. Blok	RSCC Wire & Cable; Leviton; AIW
McGivney Kluger	Alexander Schaffel	Rogers Corp.; Graybar Corp.
McGivney Kluger	Christopher M. Longo	Spaulding Composites Inc.
Speziali	Joanne Hawkins	General Electric
Wilbraham Lawler	Tristin Fabeo	Plastics Engineering

IT IS on this 14<sup>th</sup> day of **January, 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**

- February 12, 2016      Spaulding Composites shall provide a response regarding insurance by this date.
- March 15, 2016      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 15, 2016      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 16, 2016      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.
- June 17, 2016      Depositions of corporate representatives shall be completed by this date.

## EARLY SETTLEMENT

August 26, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

July 8, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 22, 2016 Summary judgment motions shall be filed no later than this date.

August 19, 2016 Last return date for summary judgment motions.

## MEDICAL DEFENSE

February 29, 2016 Plaintiff shall serve medical expert reports by this date.

February 29, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 19, 2016 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

June 17, 2016 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.

September 19, 2016 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.

## ECONOMIST EXPERT REPORTS

June 17, 2016 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 19, 2016 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 14, 2016 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, 2016                      The settlement conference previously scheduled on this date is **cancelled**.

October 7, 2016 @ 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.

November 7, 2016                Trial Date. (*The July 11, 2016 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