

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

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

Civil Action

CASE MANAGEMENT ORDER IV

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 May 16, 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	Alcatel-Lucent; AT&T Corp.
Lavin O'Neil	Edward T. Finch	Verizon New Jersey Inc.
Marshall Dennehey	Arthur Bromberg	RSCC Wire & Cable; Leviton; AIW
McGivney Kluger	Joel Clark	Rogers Corp.; Graybar Corp.
McGivney Kluger	Christopher M. Longo	Spaulding Composites Inc.
Speziali	Joanne Hawkins	General Electric
Wilbraham Lawler	Trevor J. Mohr	Plastics Engineering

IT IS on this 17<sup>th</sup> day of May, 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**

November 18, 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.

November 18, 2016 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

February 17, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

- December 9, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 6, 2017 Summary judgment motions shall be filed no later than this date.
- February 3, 2017 Last return date for summary judgment motions.

## MEDICAL DEFENSE

- November 18, 2016 Plaintiff shall serve medical expert reports by this date.
- November 18, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- March 17, 2017 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 18, 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.
- March 17, 2017 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

- November 18, 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.
- March 17, 2017 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

- April 14, 2017 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

- October 7, 2016 The settlement conference previously scheduled on this date is **cancelled**.

March 29, 2017 @ 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.

May 15, 2017 Trial Date. (*The November 7, 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