

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

Docket No: L-145-15 (AS)

Civil Action

CASE MANAGEMENT ORDER VIII

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 July 11, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Bonner Kiernan	Sheila King	Occidental Chemical Corp.
Caruso Smith	Maria DePolo	Union Carbide
Lavin O'Neil	Edward T. Finch	Verizon New Jersey Inc.
Marshall Dennehey	Kiera McGroarty	RSCC Wire & Cable; Leviton; AIW
McGivney Kluger	Christophe M. Longo	Spaulding Composites Inc.; Spaulding Fibre Co.; Monogram Industries, Inc.; Graybar Co.; Rogers Corp.
Porzio Bromberg	Michelle Burke	Alcatel-Lucent; AT&T Corp.
Speziali Greenwald	Joanne Hawkins	General Electric
Traflet & Fabian	Christine Gurry	AFC Cable Systems, Inc.
Wilbraham Lawler	Lynn E. Roberts, III	Plastics Engineering

IT IS on this 11th day of July, 2018, *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

- August 31, 2018 The deposition of PMK of the Spaulding entities shall be conducted by this date.
- October 12, 2018 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.
- October 12, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

March 1, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

December 14, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 18, 2019 Summary judgment motions shall be filed no later than this date.

February 15, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

November 13, 2018 Plaintiff shall serve medical expert reports by this date.

March 29, 2019 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 13, 2018 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 29, 2019 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 13, 2018 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 29, 2019 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 30, 2019 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

April 30, 2019 @ 1:30pm

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.

June 3, 2019

Trial Date. (*The January 28,, 2019 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