

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

Docket No: **L-2641-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER IV

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| ESTATE of HAROLD BROWN,<br><i>Plaintiff(s),</i>  |
| vs.  |
| CATERPILLAR, INC., et al<br><i>Defendant(s).</i> |

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 1, 2016:

| FIRM              | ATTORNEY             | CLIENT   |
|-------------------|----------------------|--|
| Levy Konigsberg   | Amber Long           | Plaintiff(s)   |
| Goldberg Segalla  | H. Lockwood Miller   | McCord Corp.   |
| Hoagland Longo    | Jessica Saad         | Thul Auto Parts  |
| Landman Corsi     | Alex Marcus          | Federal Mogul Asbestos Personal Injury Trust (Fel-Pro) |
| LeClair Ryan      | John A. Soltesz, III | Ford   |
| Marks O'Neill     | Paul Smyth           | Caterpillar  |
| O'Toole Fernandez | Gary Van Lieu        | Dana Co.   |
| Rawle & Henderson | John McMeekin        | Mack Trucks, Inc.                                      |
| Wilbraham Lawler  | Michael Block        | Cummins  |

IT IS on this 9<sup>th</sup> day of **November, 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.

**EARLY SETTLEMENT**

November 30, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

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**

February 17, 2017 Plaintiff shall serve medical expert reports by this date.

April 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**

February 17, 2017 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.

April 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**

February 17, 2017 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.

April 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**

May 12, 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**

May 19, 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.

June 19, 2017 Trial 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