

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

Docket No: **L-4367-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

JUNE DZIERZYNSKI (Estate of John Dzierzynski), vs. OWENS ILLINOIS, et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 31, 2015:

FIRM	ATTORNEY	CLIENT
Law Offices of James J. Pettit	James Pettit	Plaintiff(s)
McCarter & English	John C. Garde	Owens Illinois

IT IS on this 6th day of April, 2015, 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 plaintiff's 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

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|----------------|--|
| April 30, 2015 | Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date. |
| May 29, 2015 | Plaintiff shall serve answers to wrongful death interrogatories by this date. |
| April 30, 2015 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| May 29, 2015 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| April 30, 2015 | Defendants shall propound supplemental interrogatories and document requests by this date. |

May 29, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 30, 2015 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.

EARLY SETTLEMENT

June 15, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

July 10, 2015 Summary judgment motions shall be filed no later than this date.

August 7, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

April 30, 2015 Plaintiff shall serve executed medical authorizations by this date.

April 30, 2015 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 31, 2015 Plaintiff shall serve medical expert reports by this date.

April 30, 2015 Defendants shall request pathology from plaintiff by this date.

July 31, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 30, 2015 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.**

EXPERT DEPOSITIONS

October 16, 2015 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 30, 2015 @ 9:30am **Telephone** settlement conference. *Counsel shall contact the court the day before with the telephone number of the attorney handling the conference.*

November 2, 2015 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
Brody Deposition Services
Priority One