

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

Docket No: **L-3174-13 (AS)**

FRED FLAGG, <i>Plaintiff(s),</i> vs. HONEYWELL INTERNATIONAL INC., et al <i>Defendant(s).</i>

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on June 16, 2015:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Bonner Kiernan	Minos H. Galanos	Occidental Chemical Corp.
Caruso Smith	Lisa Massimi	CertainTeed
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hill Wallack	Peter A. Swift	Hoeganaes Corp.
Hoagland Longo	Shazia deWit	Goulds Pumps
J. Edmund Bryak	Margolis Edelstein	Polyone
Kent McBride	Charles P. Savoth III	Alfa Laval
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Michelle Hydrusko	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Caitlin Christie	Weil McLain; Campbell Soup
Pascarella DiVita	Joshua Grelley	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Maura Murphy	Cleaver Brooks
Sedgwick LLP	Afigo Fadahunsi	Borg Warner; Foster Wheeler
Segal McCambridge	Audrey O. Anyaele	BW/IP
Slowinski Atkins	Angelo Cuonzo	Kindor Morgan
Wilbraham Lawler	Elizabeth deBerardinis	PSE&G

IT IS on this 17th day of June, 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

July 17, 2015

Plaintiff shall serve answers to wrongful death interrogatories by this date.

June 30, 2015 Defendants shall serve answers to standard interrogatories by this date.

July 30, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 31, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 30, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

August 31, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 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.

October 30, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 6, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 6, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 20, 2015 Summary judgment motions shall be filed no later than this date.

December 18, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 30, 2015 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

August 31, 2015 Plaintiff shall serve executed medical authorizations by this date.

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

August 31, 2015 **Upon request of defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 29, 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

January 29, 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.

February 29, 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.

EXPERT DEPOSITIONS

March 18, 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

March 10, 2016 @ 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.

March 28, 2016 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