

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

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

Civil Action

CASE MANAGEMENT ORDER II

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| FRED FLAGG, vs. HONEYWELL INTERNATIONAL INC., et al | <i>Plaintiff(s),</i> <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 19, 2015:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|---------------------|---|
| Shivers Gosnay & Greatrex | Donald Gosnay | Plaintiff(s) |
| Bonner Kiernan | Kevin E. Monastra | Occidental Chemical Corp.; Olin Corp. |
| Eckert Seamans | Sarabeth Garer | AO Smith |
| Gibbons PC | Ahmed Kassim | Honeywell International Inc. |
| Hill Wallack | Augusta M. O'Neill | Hoeganaes Corp. |
| Hoagland Longo | Jason R. Gosnell | Goulds Pumps |
| Kent McBride | Ravi Shah | Alfa Laval |
| Margolis Edelstein | Jeanine D. Clark | Polyone |
| Marks O'Neill | Sebastian Goldstein | Superior Boiler Works |
| McElroy Deutsch | Joseph Rasnek | ExxonMobil Corp.; Texaco Inc. |
| McGivney Kluger | Joel Clark | Weil McLain; Campbell Soup; Brand Insulations |
| Pascarella DiVita | Stephanie DiVita | Ingersoll Rand |
| Porzio Bromberg | Pamela Kaplan | DuPont |
| Reilly Janiczek | Matthew Franson | Cleaver Brooks |
| Sedgwick LLP | Mark Wasef | Borg Warner; Foster Wheeler |
| Segal McCambridge | Michael F. Gorman | BW/IP |
| Slowinski Atkins | Angelo Cuonzo | Kindor Morgan |
| Wilbraham Lawler | Kelly Skinner | PSE&G |

IT IS on this 23rd day of November, 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.

DISCOVERY

December 31, 2015 Plaintiff shall serve answers to wrongful death interrogatories by this date.

January 15, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.

February 19, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

January 15, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

February 19, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 15, 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.

May 13, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 15, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

June 10, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 24, 2016 Summary judgment motions shall be filed no later than this date.

July 22, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

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

March 1, 2016 Plaintiff shall serve medical expert reports by this date.

March 1, 2016 **Upon request of defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 31, 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

June 17, 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.

August 31, 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

September 16, 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 The settlement conference previously scheduled on this date is **cancelled**.

September 9, 2016 @ 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.

October 3, 2016 Trial Date. (*The March 28, 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