

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

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

**Civil Action**

**CASE MANAGEMENT ORDER V**

FRED FLAGG,  vs. HONEYWELL INTERNATIONAL INC., 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 September 25, 2017:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Bonner Kiernan	Sheila King	Occidental Chemical Corp.; Olin Corp.
Eckert Seamans	Stephanie Coleman	AO Smith
Kent McBride	Jessica Lentini	Alfa Laval
Margolis Edelstein	Jeanine D. Clark	Polyone
Marks O'Neill	Sebastian Goldstein	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Caitlin Bodtmann	Weil McLain; Campbell Soup; Brand Insulations
Montgomery McCracken	Ronald Hurst	Atlantic City Electric
Pascarella DiVita	Gabriel Miller	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Lauren R. Hough	Cleaver Brooks, Inc.
Segal McCambridge	Audrey Anyaele	BW/IP
Slowinski Atkins	Angela Cuonzo	Kindor Morgan
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner; Foster Wheeler
Wilbraham Lawler	Matthew Jones	PSE&G; Exelon

IT IS on this 27<sup>th</sup> day of September, 2017, *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**

- February 28, 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.
- March 30, 2018      Depositions of corporate representatives shall be completed by this date.

### EARLY SETTLEMENT

April 13, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### SUMMARY JUDGMENT MOTION PRACTICE

April 13, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 27, 2018 Summary judgment motions shall be filed no later than this date.

May 25, 2018 Last return date for summary judgment motions.

### MEDICAL DEFENSE

August 17, 2018 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 29, 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.

August 17, 2018 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

June 29, 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.

August 17, 2018 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

September 14, 2018 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

January 18, 2018 The settlement conference previously scheduled on this date is **cancelled**.

September 18, 2018 @ 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.

October 15, 2018

Trial Date. (*The February 20, 2018 trial is adjourned to this date.*)

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc: Clerk, Mass Tort