

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

Docket No: L-3174-13 (AS)

Civil Action

CASE MANAGEMENT ORDER VIII

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| ESTATE of FRED FLAGG, <i>Plaintiff(s),</i> vs. HONEYWELL INTERNATIONAL INC., et al <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 27, 2019:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|---------------------|---------------------------------------|
| Shivers Gosnay & Greatrex | Donald Gosnay | Plaintiff(s) |
| Bonner Kiernan | Sheila King | Occidental Chemical Corp.; Olin Corp. |
| Eckert Seamans | Michael A. Posavetz | AO Smith |
| Gibbons PC | Ethan Stein | Honeywell International Inc. |
| Kent McBride | Jim Guinee | Alfa Laval |
| Margolis Edelstein | Nicholas Sulpizio | Polyone |
| Marks O'Neill | Paul Smyth | Superior Boiler Works |
| McElroy Deutsch | Joseph D. Rasnek | ExxonMobil Corp.; Texaco Inc. |
| McGivney Kluger | Caitlin Bodtmann | Weil McLain; Campbell Soup |
| McGivney Kluger | Jennifer Hally | Brand Insulations |
| Pascarella DiVita | Bradley E. Bishop | Ingersoll Rand |
| Porzio Bromberg | Michelle Burke | DuPont |
| Reilly McDevitt | Adrianna Astringer | Cleaver Brooks, Inc. |
| Slowinski Atkins | Angelo Cuonzo | Kindor Morgan |
| Tanenbaum Keale | Afigo Fadahunsi | Borg Warner; Foster Wheeler |

IT IS on this 27th day of March, 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

August 30, 2019

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.

August 30, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

September 13, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

December 31, 2019 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

November 8, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

December 31, 2019 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.

SUMMARY JUDGMENT MOTION PRACTICE

September 13, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 27, 2019 Summary judgment motions shall be filed no later than this date.

October 25, 2019 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

November 8, 2019 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.

December 31, 2019 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

January 31, 2020 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

September 10, 2019 The settlement conference previously scheduled on this date is **cancelled**.

October 1, 2019 @ 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.

February 24, 2020

Trial Date. (*The September 30, 2019 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