

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

JAMES J. HARLEY, JR., <i>Plaintiff(s),</i> vs. ABEX CORPORATION, et al <i>Defendant(s).</i>

Docket No: **L-5924-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 5, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hawkins Parnell	Roy Viola	Pneumo Abex LLC
O'Toole Fernandez	Leslie Lombardy	Dana
Rawle & Henderson	David Samlin	Mack Trucks, Inc.
Sedgwick Detert	Bridget Polloway	Borg Warner
Wilbraham Lawler	Elizabeth deBerardinia	Kelsey-Hayes

IT IS on this 6th 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 4, 2015 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| January 11, 2016 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| December 4, 2015 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| January 11, 2016 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |

April 29, 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 31, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

June 10, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

July 1, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 8, 2016 Summary judgment motions shall be filed no later than this date.

August 5, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

March 31, 2016 Plaintiff shall serve medical expert reports by this date.

September 16, 2016 Defendants shall identify its medical experts and serve medical expert 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 30, 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.

September 16, 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 30, 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

September 29, 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 24, 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