

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

Docket No: **L-7217-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

MARILYN HESTON (Estate of William Heston), vs. ALFA LAVAL 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 June 16, 2015:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed
Hoagland Longo	Shazia deWit	Goulds Pumps
Kent McBride	Charles P. Savoth III	Alpha Laval
McGivney Kluger	Thomas McNulty	Brand Insulations
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Sedgwick LLP	Afigo Fadahunsi	General Electric; Borg Warner
Segal McCambridge	Audrey O. Anyaele	BW/IP

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 standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date. |
| July 17, 2015 | Plaintiff shall serve answers to wrongful death interrogatories by this date. |
| July 31, 2015 | Defendants shall serve answers to standard interrogatories by this date. |
| August 31, 2015 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |

September 30, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

August 31, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

September 30, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 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.

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

EARLY SETTLEMENT

December 4, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

December 18, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

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

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

MEDICAL DEFENSE

August 31, 2015 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

September 30, 2015 Plaintiff shall serve executed medical authorizations by this date.

November 30, 2015 Plaintiff shall serve medical expert reports by this date.

November 30, 2015 **Upon request by defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 11, 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

March 11, 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.

April 11, 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

April 29, 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

April 20, 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.

May 16, 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