

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

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

Civil Action

CASE MANAGEMENT ORDER III

MARILYN HESTON, (Estate of William Heston),  vs. ALFA LAVAL 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 April 14, 2016:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Gibbons PC	Mark R. Galdieri	Honeywell International
Hoagland Longo	Steven Satz	Goulds Pumps
Kent McBride	Ravi Shah	Alpha Laval
McCarter & English	John C. Garde	Uniroyal
McGivney Kluger	Jennifer Hally	Brand Insulations
Pascarella DiVita	Michael A. Posavetz	Ingersoll Rand
Sedgwick LLP	Jordan I. Ruthman	Borg Warner
Segal McCambridge		BW/IP
Speziali Greenwald	Joanne Hawkins	General Electric

IT IS on this 20<sup>th</sup> day of **April, 2016**, 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**

- |                 |   |
|-----------------|---|
| May 31, 2016    | Plaintiff shall propound supplemental interrogatories and document requests by this date.   |
| June 30, 2016   | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| May 31, 2016    | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| June 30, 2016   | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| August 31, 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. |

September 30, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 30, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 2, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 16, 2016 Summary judgment motions shall be filed no later than this date.

October 14, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 16, 2016 Plaintiff shall serve executed medical authorizations by this date.

July 29, 2016 Plaintiff shall serve medical expert reports by this date.

July 29, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 30, 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**

October 28, 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.

November 30, 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**

December 23, 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**

July 13, 2016 The settlement conference previously scheduled on this date is **cancelled**.

January 13, 2017 @ 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.

January 23, 2017

Trial Date. *(The August 1, 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