

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

Docket No: L-5368-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

MATTHEW HODJERA and SYLVIA DUFF-PETO, <i>Plaintiff(s),</i> vs. BORGWARNER MORSE TEC., et al <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 14, 2018:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William L. Kuzmin	Plaintiff(s)
Gibbons PC	Daniel Dorfman	Honeywell International
Herzfeld Rubin	Nadine Kohane	Volkswagen Group of America
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
McCarter & English	Sarah Tremer	Johnson & Johnson
McGivney Kluger	Thomas McNulty	DAP, Inc.
Rawle & Henderson	Edward Wicks	Imerys Talc America
Tanenbaum Keale	Afigo Fadahunsi	Borgwarner Morse Tec LLC

IT IS on this 15th day of August, 2018, 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

- August 31, 2018 Defendants shall serve answers to standard interrogatories by this date.
- September 14, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 15, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 14, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- September 28, 2018 A limited deposition of the plaintiff shall be conducted by this date. It shall be limited to a direct exam as to product identification by counsel representing defendants impleaded into this matter after the plaintiff's deposition was originally taken. In the event additional product identification testimony is elicited, other counsel may cross-examine plaintiff. In addition, any counsel may inquire as to plaintiff's health status.

- September 28, 2018 The *de bene esse* deposition of plaintiff shall be completed by this date.
- October 15, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 3, 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.
- December 3, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- March 29, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- February 1, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 15, 2019 Summary judgment motions shall be filed no later than this date.
- March 15, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

- February 1, 2019 Plaintiff shall serve medical expert reports by this date.
- February 1, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 30, 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

- February 1, 2019 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 30, 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.

ECONOMIST EXPERT REPORTS

- February 1, 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.
- April 30, 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

May 24, 2019 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

November 2, 2018 The settlement conference previously scheduled on this date is **cancelled**.

May 21, 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.

June 17, 2019 Pretrial Information Exchange submissions due.

June 24, 2019 Trial-Ready Date. (*The December 3, 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/ Ana C. Viscomi
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort