

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

Docket No: **L-4496-13 (AS)**

CLARENCE RALPH HOSFORD (Kay Hokanson, as Attorney-in-Fact),  <i>Plaintiff(s),</i>  vs.  KERR CORPORATION, et al  <i>Defendant(s).</i>
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Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 14, 2014:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William Kuzmin	Plaintiff(s)
Gibbons PC	Stephen J. Finley	Kerr Corp.
McGivney Kluger	Joseph A. Gallo	Grobet
Wilbraham Lawler	John A. Fitzpatrick	Patterson Dental

IT IS on this 15<sup>th</sup> day of May, 2014 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 plaintiffs' 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.

**PLEADINGS**

June 30, 2014            Plaintiff shall file an amended complaint to reflect a wrongful death claim on behalf of the plaintiff and to name an executor of the estate by this date.

**DISCOVERY**

June 30, 2014            Plaintiff shall serve answers to wrongful death interrogatories by this date.

July 31, 2014            Defendants shall serve answers to standard interrogatories by this date.

August 29, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.

September 30, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

August 29, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

September 30, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 28, 2014 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 28, 2014 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

November 28, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

January 9, 2015 Summary judgment motions shall be filed no later than this date.

February 6, 2015 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

June 30, 2014 Plaintiff shall serve executed medical authorizations by this date.

July 31, 2014 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

September 30, 2014 Plaintiff shall serve medical expert reports by this date.

September 30, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 6, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

December 15, 2014 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.

March 6, 2015 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**

March 31, 2015 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**

March 18, 2015 @ 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.

April 13, 2015 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