

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

Docket No: **L-2077-15 (AS)**

MARY HUGO, <i>Plaintiff(s),</i> vs. BORG WARNER MORSE TEC, et al <i>Defendant(s).</i>

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 27, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph Mandia	Plaintiff(s)
Caruso Smith Picini	Joyce Min	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Herzfeld & Rubin	Nadine Kohane	Volkswagen Group of America, Inc.
Landman Corsi	Joseph Tomaino	Federal Mogul
LeClair Ryan	Michael Goldklang	Ford
O'Toole Fernandez	Gary Van Lieu	Dana
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Crane
Sedgwick LLP	Bridget Polloway	Borg Warner; ExxonMobil Corp.
Wilbraham Lawler	Elizabeth deBerardinis	Kelsey Hayes

IT IS on this 28th day of May, 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

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|---------------|--|
| June 5, 2015 | Defendants shall serve answers to standard interrogatories by this date. |
| June 12, 2015 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| July 10, 2015 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| June 12, 2015 | Defendants shall propound supplemental interrogatories and document requests by this date. |

- July 10, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 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.
- August 31, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

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

SUMMARY JUDGMENT MOTION PRACTICE

- August 28, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 11, 2015 Summary judgment motions shall be filed no later than this date.
- October 9, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

- June 15, 2015 Plaintiff shall provide any additional medical records in plaintiff's possession regarding diagnosis by this date.
- August 31, 2015 Plaintiff shall serve medical expert reports by this date.
- October 30, 2015 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

- August 31, 2015 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.
- October 30, 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.

ECONOMIST EXPERT REPORTS

- August 31, 2015 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.
- October 30, 2015 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

November 13, 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

November 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.

10 business days prior to trial Pretrial Information Exchange Form.

December 7, 2015 Trial-Ready 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