

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

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

**Civil Action**

**CASE MANAGEMENT ORDER XI**

|   |
|---|
| ESTATE of MARY HUGO,<br>(John J. Ragan, Executor),<br><br><i>Plaintiff(s),</i><br><br>vs.<br>BORG WARNER MORSE TEC, et al<br><br><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 16, 2018:

| FIRM                | ATTORNEY             | CLIENT                            |
|---------------------|----------------------|-----------------------------------|
| Levy Konigsberg     | Daniel Weiss         | Plaintiff(s)                      |
| Caruso Smith Picini | Lisa Massimi         | Union Carbide                     |
| Gibbons PC          | Ethan Stein          | Honeywell International Inc.      |
| Herzfeld & Rubin    | Heather Janis Graw   | Volkswagen Group of America, Inc. |
| Kaufman Borgeest    | Neepa Patel          | Morton International              |
| Landman Corsi       | Janelle N. Winters   | Federal Mogul                     |
| LeClair Ryan        | Gary Sapir           | Ford                              |
| O'Toole Scrivo      | Franklin Paez        | DCo f/k/a Dana Co.                |
| Pascarella DiVita   | Madelyn Iulo         | Ingersoll Rand; Crane             |
| Tanenbaum Keale     | David Blow           | ExxonMobil; Borg Warner           |
| Wilbraham Lawler    | Lynn E. Roberts, III | Kelsey-Hayes Co.                  |

IT IS on this 17<sup>th</sup> 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**

October 19, 2018      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

December 14, 2018      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

October 19, 2018      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 2, 2018      Summary judgment motions shall be filed no later than this date.

November 30, 2018 Last return date for summary judgment motions.

**MEDICAL DEFENSE**

December 31, 2018 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**

December 31, 2018 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**

January 31, 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 7, 2018 The settlement conference previously scheduled on this date is **cancelled**.

January 31, 2019 @ 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.

February 25, 2019 Trial Date. (*The December 10, 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