

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

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

Civil Action

CASE MANAGEMENT ORDER VIII

ESTATE of MARY HUGO, (John J. Ragan, Executor),  <i>Plaintiff(s),</i>
vs.
BORG WARNER 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 May 25, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph Mandia	Plaintiff(s)
Caruso Smith Picini	Marcia DePolo	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Herzfeld & Rubin	Nadine Kohane	Volkswagen Group of America, Inc.
Kaufman Borgeest	Jeffrey Gorenstein	Morton International
Landman Corsi	Alex Marcus	Federal Mogul
LeClair Ryan	Adam Husik	Ford
O'Toole Scrivo	Gary Van Lieu	Dana
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Crane
Tanenbaum Keale	David Blow	ExxonMobil; Borg Warner
Wilbraham Lawler	Matthew Jones	Kelsey-Hayes Co.

IT IS on this 26<sup>th</sup>- day of May, 2017, *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**

- July 31, 2017            Plaintiff shall serve answers to Volkswagen's supplemental interrogatories by this date.
- September 29, 2017    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.
- October 31, 2017        Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- November 15, 2017     Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

- December 8, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 5, 2018 Summary judgment motions shall be filed no later than this date.
- February 2, 2018 Last return date for summary judgment motions.

## MEDICAL DEFENSE

- December 8, 2017 Plaintiff shall serve medical expert reports by this date.
- March 9, 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 8, 2017 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 9, 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

- April 6, 2018 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 9, 2017 The settlement conference previously scheduled on this date is **cancelled**.
- March 27, 2018 @ 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.
- May 7, 2018 Trial Date. (*The December 11, 2017 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