

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

GEORGE & ELLEN KESSLER,  
*Plaintiff(s),*  
vs.  
AUTOMOTIVE BRAKE CO., et al  
*Defendant(s).*

Docket No: **L-5165-16 (AS)**

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 January 24, 2017:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Abby Resnick Parigian	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Gibbons PC	Robert Brown	Honeywell International
Goldberg Segalla	David Rutkowski	McCord Corp.
Hawkins Parnell	Roy Viola	Pneumo Abex
LeClair Ryan	John Soltesz	Ford
Marks O'Neill	Sebastian Goldstein	Midland Ross
O'Toole Fernandez	Franklin Paez	Dana Co.
Sedgwick LLP	Maryam Meseha	Borg Warner
Troutman Sanders	Joanne Rogers	Parker Hannifin
Wilbraham Lawler	Matthew Jones	Kelsey Hayes

IT IS on this 27<sup>th</sup> day of **January, 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.

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**

- February 3, 2017      Defendants shall serve answers to standard interrogatories by this date.
- February 14, 2017      Defendants shall respond to Requests for Admissions by this date.
- February 17, 2017      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 17, 2017      Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 17, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

March 17, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 31, 2017 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

April 28, 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.

May 15, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 1, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

June 15, 2017 @ 1:30pm Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 10, 2017 Plaintiff shall serve executed medical authorizations by this date.

February 10, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 17, 2017 Plaintiff shall serve medical expert reports by this date.

August 31, 2017 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**

July 17, 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.

August 31, 2017 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**

- July 17, 2017            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.
- August 31, 2017        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**

- September 22, 2017    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**

- September 14, 2017 @ 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.
- October 10, 2017                      Pretrial Information Exchange submissions due.
- October 16, 2017                      **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