

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

**Docket No: L-6245-17 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER III**

ESTATE of GEORGE LINK,	<i>Plaintiff(s),</i>
vs.	
ABB INC., 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 June 7, 2019:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Barry McTiernan Wedinger	Cara E. Manz	Fulton Boiler Works, Inc.
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts Co.
Budd Lerner	Terence W. Camp	Ericsson, Inc.
Caruso Smith	Alexandra Caruso	Union Carbide; CertainTeed; Metropolitan Life
Clyde & Co.	Kevin Turbert	Burnham LLC
Cullen & Dykman	John Fanning	Howden North America, Inc., f/k/a Howden Buffalo Inc.
Darger Errante	Mark Friesz	Lightolier; Peerless Lighting
Delany McBride	Robert DiSandro	Feldman Brothers Electric Supply
Gibbons PC	Phillip J. Duffy	Yuba Heat Transfer
Harris Beach	Robert Schaefer	Progress Lighting Co.; Prescolite Inc.; Hubbell Power Systems
Hawkins Parnell	Roy Viola	O'Conner Constructors Inc.
Hoagland Longo	Amie Kalac	Johnson Controls; Monarch Electric; Exteco; Warshauer Electric
Kelley Jasons	Angela Caliendo	Schneider Electric f/k/a Square D; FMC Corp.
Kent McBride	James Guinee	Mines Safety Appliances
Landman Corsi	Jessica Lomia	United States Steel Corp.
Lavin Cedrone	Julianne Jayson	Mars, Inc.
Leader & Berkon	Christine Bucca	IMO Ind.; Spirax Sarco; Weil McLain
Littleton Park	Jason Schmitz	BASF Corp.
Margolis Edelstein	Jeanine D. Clark	Beldon Wire & Cable; Alpha Wire; Aurora Electrical Supply; Wayne Electrical Supply
Marin Goddman	Fred Goodman	Fluor Corp.
Maron Marvel	Audrey O. Anyaele	Velan Valve Corp.
Marshall Dennehey	Paul Johnson Arthur Bromberg	Riley Stoker; Warren Pumps; Cooper Industries; RSCC Wire & Cable; American Insulated Wire
McCullough Ginsberg	Jason Schmolze	Okonite Co.

McElroy Deutsch	Joseph D. Rasnek	Rockwell Automation; Vulsub II (incorrectly sued as Tyco Valves)
McElroy Deutsch	Brian Sorensen	Cutler Hammer
McGivney Kluger	Jeffrey Kluger Trish Wilson Jennifer Hally	Jewel Electric; Griffith Electric; Weil McLain; Taco; Durametallic; Grundfos; CCX; Gardner Denver; Durion; Graybar; Marley Cooling; Good Friend Electric
Morgan Melhuish	Deborah Banfield	Novartis
O'Brien Firm	Jodie Farrow	ABB Inc.
O'Toole Couch	Joseph O'Toole	Summit Electrical Supply Co.
O'Toole Scrivo	Gary Van Lieu	Swift Electrical; Cooper Electric; Hatzel & Buehler; Starwood Hotels & Resorts
Pascarella DiVita	Stephanie DiVita	Trane US, Inc.; General Cable Corp.
Rawle & Henderson	Samuel Garson	Billows Electric Supply
Reilly McDevitt	Hena Kumar	Keer Electric; Aurora Pump; Cleaver Brooks; Samson Electrical; General Wire; Gould Electronics Inc.; Broadway Electric Supply Co.
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner Morse Tec; Bryant Electric; Foster Wheeler
Wilbraham Lawler	Josette Spivak	PSEG Power; Siemens Industry Inc.; Viking Pump

IT IS on this 10<sup>th</sup> day of June 2019, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

*Any forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

- June 28, 2019            Defendants shall serve answers to standard interrogatories by this date.
- July 31, 2019            Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 13, 2019    Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 2019            Defendants shall propound supplemental interrogatories and document requests by this date.
- September 13, 2019    Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 29, 2019 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.

December 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **MEDICAL EXPERT REPORT**

February 28, 2020 Plaintiff shall serve medical expert reports by this date.

February 28, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 31, 2020 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**

February 28, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

July 31, 2020 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 24, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 8, 2020 Summary judgment motions shall be filed no later than this date.

June 5, 2020 Last return date for summary judgment motions.

### **SETTLEMENT**

June 12, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **EXPERT DEPOSITIONS**

August 31, 2020 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**

October 17, 2019                    The settlement conference previously scheduled on this date is **cancelled**.

August 26, 2020 @ 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.

September 28, 2020                Trial Date. (*The November 18, 2019 trial is adjourned to this date.*)

*Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.*

*/s/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc:      Clerk, Mass Tort