

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

	<u>LOCAL 14</u>
McGEE, James	L-5157-16
McGEE, Joseph	L-5317-16

Civil Action

**CASE MANAGEMENT ORDER I
AMENDMENT II**

This matter having previously come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 14, 2016 and amended on July 10, 2017;

FIRM	ATTORNEY	CLIENT
<i>Pettit Law Office</i>	<i>James Pettit</i>	<i>Plaintiff(s)</i>
<i>McElroy Deutsch</i>	<i>Joseph D. Rasnek</i>	<i>ExxonMobil Corp.</i>
<i>Swartz Campbell</i>	<i>Walter McDonough</i>	<i>Sunoco, Inc.</i>
<i>Wilson Elser</i>	<i>Joseph Hanlon</i>	<i>Chevron; Texaco</i>

IT IS on this 6th day of **October, 2017**, that Case Management Order I is hereby further

AMENDED 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.

These matters are hereby consolidated for discovery, case management and trial.

DISCOVERY

October 31, 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.

November 17, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 8, 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.

December 22, 2017 Summary judgment motions shall be filed no later than this date.

January 19, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

- March 21, 2018 Plaintiff shall serve medical expert reports by this date.
- May 18, 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

- March 21, 2018 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.
- May 18, 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

- June 8, 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

- March 22, 2018 The settlement conference previously scheduled on this date is **cancelled**.
- May 22, 2018 @ 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.
- June 25, 2018 Trial Date. *(The April 30, 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