

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

ROBERT D. MARTENS, SR.,	<i>Plaintiff(s),</i>
vs.	
BAE SYSTEMS INC., et al	<i>Defendant(s).</i>

**Docket No: L-868-19 (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 June 7, 2019:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Ahmuty Demers	Francis Liu	Danly Machine Corp.
Benesch Friedland	Kevin Capuzzi	Bijur Delimon Int'l.
Bonner Kiernan	Mark A. Lockett	Occidental Chemical
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide; Metropolitan Life
Clyde & Co.	Kevin Turbert	Clausing
Forman Watkins	Thomas Toman, Jr.	LeBlond Ltd.
Gibbons PC	Daniel Dorfman	Honeywell International
Harris Beach	Robert Schoefer	Saint Gobain Abrasives Inc.
Hawkins Parnell	Roy Viola	Pneumo Abex
Hoagland Longo	Marc S. Gaffrey	Nidec Minster Corp.
Holland & Knight	Joshua Cohn	BAE Systems, Inc.
K&L Gates	Michael Waller	Monarch LLC
Kelley Jasons	Angela Caliendo	Schneider Electric USA f/k/a Square D
Kent McBride	James Guinee	Mine Safety Appliance
Landman Corsi	Jessica Lomia	Fel Pro
Law Office of Lorne Reiter	Laura Johnson	Doall Co.
Leader Berkon	Christine Bucca	Weil McLain
Manning Gross	Austin O'Malley	Warner Electric
Maron Marvel	Lina Flanigan	Industrial Holdings Corp.; f/k/a The Carborundum Co.
McElroy Deutsch	Joseph D. Rasnek	Pfizer, Inc.
McGivney Kluger	Jeffrey Kluger	Hardinge Inc.; Rogers Corp.
McGivney Kluger	Jennifer Hally	Rogers Corp.
McGivney Kluger	Trish Wilson	WJ Malone Assoc.; Chem Flowtronics Inc.
Pascarella DiVita	Stephanie DiVita	Trane US, Inc.
Reilly McDevitt	Hena Kumar	The Industrial Brush Co., Inc.
Swartz Campbell	Walter McDonough	Fives Giddings & Lewis
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner Morse Tec; CBS Corp.; General Electric
Tressler LLP	Timothy M. Jabbour	Ungerer & Co.
Wilbraham Lawler	Josette Spivak	PSE&G; Plastics Engineering Co. (Plenco)

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.

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.

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 21, 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 6, 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 6, 2019 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| October 15, 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. |
| October 15, 2019  | Depositions of corporate representatives shall be completed by this date.   |

### **EARLY SETTLEMENT**

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|------------------|--|
| February 7, 2020 | Settlement demands shall be served on all counsel and the Special Master by this date. |
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### **MEDICAL EXPERT REPORT**

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|------------------|--|
| December 2, 2019 | Plaintiff shall serve medical expert reports by this date.   |
| December 2, 2019 | Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.   |
| March 6, 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**

- December 2, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- March 6, 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**

- December 13, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- December 27, 2019 Summary judgment motions shall be filed no later than this date.
- January 24, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- December 2, 2019 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.
- March 6, 2020 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**

- April 3, 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**

- March 25, 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.
- April 20, 2020 Pretrial Information Exchange submissions due.
- April 27, 2020 Trial-Ready 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