

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

Docket No: **L-7991-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

JAMES MELITSKI,  <i>Plaintiff(s),</i>  vs.  ASBESTOS CORP. LTD., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on July 31, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Chase Kurshan Herzfeld	Patrick Florentino	Volkswagen Group of America
Gibbons	Mark R. Galdieri	Honeywell
Hoagland Longo	Daniel Kuszmanski	Thul Auto Parts
Jones Law Office	Richard Jones	Metropolitan Life
McCarter & English	John Garde	Fisher Scientific

IT IS on this 2<sup>nd</sup> day of August, 2013 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**

October 15, 2013      Plaintiff shall serve answers to wrongful death interrogatories by this date.

October 31, 2013      Defendants shall serve answers to standard interrogatories by this date.

November 8, 2013      Plaintiff shall propound supplemental interrogatories and document requests by this date.

December 9, 2013      Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 8, 2013      Defendants shall propound supplemental interrogatories and document requests by this date.

December 9, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 31, 2014 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.

January 31, 2014 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

February 14, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

February 28, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.

March 28, 2014 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

October 15, 2013 Plaintiff shall serve executed medical authorizations by this date.

October 31, 2013 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

December 16, 2013 Plaintiff shall serve additional medical expert reports by this date.

December 16, 2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 30, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

February 28, 2014 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.

April 30, 2014 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**

February 28, 2014 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.

April 30, 2014 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**

May 16, 2014 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**

April 17, 2014 @ 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 16, 2014 @ 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 27, 2014 (*Tuesday*) Trial Date.

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

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: counsel:

LeClair Ryan for Ford Motor Co.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One