

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

STEPHEN SIMON, vs. AUTOZONE NORTHEAST INC., et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
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Docket No: **L-3965-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 19, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Marcia DePolo	Union Carbide
Clemente Mueller	Ian McAroy	William Powell Co.
Gibbons	Mark R. Galdieri	Honeywell
Hoagland Longo	Jeffrey P. Smith	Goulds Pumps; Jonston Boiler
Kelley Jasons	Angela Caliendo	Sterling Fluid; Nibco
Mayfield Turner	Adam Fogarty	Carrier Corp.
McElroy Deutsch	Joseph D. Rasnek	Burnham LLC
McGivney Kluger	Thomas McNulty	Weil McLain
Leader & Berkon	Brian Astrup	SPX Corp.; Copes Vulcan
Methfessel & Werbel	Charles T. McCook, Jr.	AutoZone
O'Toole Fernandez	Gary Van Lieu	Peerless
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Trane; Crane Co.
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks
Wilbraham Lawler	Elizabeth deBerardinis	Cummins

IT IS on this 20th day of **October, 2015**, *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

- December 31, 2015 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 31, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 31, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

February 29, 2016 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.

March 31, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 15, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

April 15, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 29, 2016 Summary judgment motions shall be filed no later than this date.

May 27, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

March 31, 2016 Plaintiff shall serve medical expert reports by this date.

March 31, 2016 **Upon request by defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 30, 2016 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 31, 2016 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.

June 30, 2016 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

May 27, 2016 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.

June 30, 2016 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

July 29, 2016 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

February 26, 2016 The settlement conference previously scheduled on this date is **cancelled**.

August 2, 2016 @ 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.

August 29, 2016 Trial Date. *(The March 21, 2016 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