

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

**Docket No:** L-993-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of KENNETH SIMON, <i>Plaintiff(s),</i>
vs.
CLARK MATERIAL HANDLING CORP., 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 August 1, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Locks Law Firm	Alfred M. Anthony	Plaintiff(s)
Duane Morris LLP	Sharon Caffrey	The Raymond Corp.
Gibbons PC	Daniel Dorfman	Honeywell
Goldberg Segalla	David Rutkowski	Hyster-Yale
Kelley Jasons	Angela Caliendo	Rexnord Corp.
LeClair Ryan	Gary M. Sapit	Ford Motor Co.
Marks O'Neill	Sophia Tyris	Caterpillar
Marshall Dennehey	Jeremy Zacharias	Pep Boys
O'Toole Scrivo	Gary Van Lieu	Unex Mfg.; Barclay Brand Corp.
Wilbraham Lawler	Tristin Fabro	Leeson Electric Corp.

IT IS on this 3rd day of August, 2017, 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.

**DISCOVERY**

- October 2, 2017 Plaintiff shall serve answers to standard interrogatories.
- October 2, 2017 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- October 20, 2017 Defendants shall serve answers to standard interrogatories by this date.
- November 17, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- December 22, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 17, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

December 22, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 30, 2018 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 30, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 13, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 13, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 27, 2018 Summary judgment motions shall be filed no later than this date.

May 25, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 2, 2017 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

October 2, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

April 13, 2018 Plaintiff shall serve medical expert reports by this date.

April 13, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 17, 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**

June 29, 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.

August 17, 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.

### **ECONOMIST EXPERT REPORTS**

June 29, 2018 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.

August 17, 2018 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**

September 14, 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**

June 26, 2018 @ 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.

September 12, 2018 @ 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.

October 9, 2018 (*Tuesday*) Trial 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