

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

Docket No: **L-7757-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

ELEANOR TERNYIK, (Estate of ROBERT TERNYIK), <i>Plaintiff(s),</i>
vs.
ABB INC., 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 April 7, 2015:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Michelle Murtha	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Forman Watkins	Thomas Toman Jr.	Cooper Industries
Kelley Jasons	Angela Caliendo	Square D
Lavin O'Neil	LaWanda D. White	Kerite
O'Brien Firm	Brian P. Lawlor	ABB
McElroy Deutsch	Gabriel Ferstendig	Allen Bradley; Eaton; Exxon; Pfizer
McGivney Kluger	Joel Clark	Hubbell Lighting
Reilly Janiczek	Colleen Cavanaugh	Gould Electronics
Sedgwick LLP	Maryam Meseha	CBS/Westinghouse
Weiner Lesniak	Edward Seaver	Merck
Wilbraham Lawler	Michelle Kirsch	Siemens

IT IS on this 9th day of April, 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

June 12, 2015 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.

June 12, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

June 19, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

July 10, 2015 Summary judgment motions shall be filed no later than this date.

August 7, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

June 12, 2015 Plaintiff shall serve medical expert reports by this date.

June 12 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 11, 2015 Defendants shall identify its medical experts and serve medical expert 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

July 1, 2015 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.

September 11, 2015 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

July 31, 2015 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.

September 11, 2015 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 30, 2015 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

July 30, 2015 The settlement conference previously scheduled on this date is **cancelled**.

September 25, 2015 @ 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 19, 2015

Trial Date. (*The August 24, 2015 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
Brody Deposition Services
Priority One