

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

Docket No: L-1933-12 (AS)

Civil Action

CASE MANAGEMENT ORDER I

RACHELE & DAVID VENTRES,

Plaintiff(s),

vs.

002 AUTO PARTS, INC., et al

Defendant(s).

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on May 21, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Levy Phillips & Konigsberg	Nathaniel Falda	Plaintiff(s)
Brueninger & Fellman	Karen Wachs	NAPA
Caruso Smith	Lisa Massimi	Union Carbide
Eckert Seamans	Michael Kinkopf	Ford
Goldberg Segalla	Robert M. Hanlon	R. Bosch
Hardin Kundla	Cynthia Lee	Harley Davidson
Hoagland Longo	Nora Grimbergen	Borg Warner
Lavin O'Neil	Carolyn McCormack	3 M Company
Littleton Joyce	J. Schmitz	BASF
Maron Marvel	Meryl Topchik	IHC
Marshall Dennehey	Arthur Bromberg	NMBFIL, Inc.
McElroy Deutsch	Aileen McTiernan	Allen-Bradley
McGivney Kluger	Joel Clark	Permatex
O'Toole Fernandez	Michael Garcia	Dana Co.
Porzio Bromberg	Christopher DePhillips	DuPont
Smith Abbot	Roy Viola	Abex
Wilbraham Lawler	Tonya M. Harris	Maremont

IT IS on this 25th day of May, 2012 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 plaintiffs' 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

- June 8, 2012 Defendants shall serve answers to standard interrogatories by this date.
- June 15, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 13, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 15, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 13, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 2012 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.
- August 31, 2012 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- September 7, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- September 14, 2012 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- October 12, 2012 Last return date for product identification summary judgment motions.

OTHER MOTIONS

- September 28, 2012 Filing date.
- October 26, 2012 Return date.

MEDICAL DEFENSE

- June 15, 2012 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.
- July 31, 2012 Plaintiff shall serve additional medical expert reports by this date.
- July 31, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 31, 2012 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

October 5, 2012 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.

November 2, 2012 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

October 5, 2012 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.

November 2, 2012 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

November 30, 2012 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

October 24, 2012 @ 1:30pm 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.

December 17, 2012 Trial Date.

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

/s/ Ann G. McCormick
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One