

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

ESTATE OF LYDIA WALTER,  
  
*Plaintiff(s),*  
  
vs.  
  
OWENS ILLINOIS INC., et al  
  
*Defendant(s).*  
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ESTATE OF STEVEN WALTER,  
  
*Plaintiff(s),*  
  
vs.  
  
OWENS ILLINOIS INC., et al  
  
*Defendant(s)*

**Docket No: L-7428-10 (AS)**

**Docket No: L-3419-11 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

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

FIRM	ATTORNEY	CLIENT
Locks Law Firm	James Pettit	Plaintiff(s)
Braaten & Pascarella	Michael Posavetz	Ingersoll Rand
Hoagland Longo	Steven Satz	Goulds Pumps
Lynch Daskal	Mark Tevis	Georgia Pacific
Margolis Edelstein	Ashely Mollenthiel	Woolsulate
McCarter & English	Mitchell Kurtz	Owens Illinois
McElroy Deutsch	Michelle Hydrusko	Exxon Mobil Corp.
McGivney Kluger	Thomas McNulty	Durametallic; Brand Insulation
Sedgwick Detert	Madelyn Iulo	Foster Wheeler; CBS Corp.

IT IS on this 22<sup>nd</sup> day of **February, 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.

These matters are hereby consolidated for discovery, case management and trial.

**DISCOVERY**

March 2, 2012

Defendants shall serve answers to standard interrogatories by this date.

March 16, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.

April 20, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

March 16, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.

April 20, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 29, 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.

July 31, 2012 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 16, 2012 The settlement conference previously scheduled on this date is **CANCELLED**.

August 10, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 31, 2012 Summary judgment motions limited to product identification issues shall be filed no later than this date.

September 28, 2012 Last return date for product identification summary judgment motions.

### **POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE**

November 1, 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.  
*Case Management Conference to follow, if necessary.*

### **MEDICAL DEFENSE**

March 9, 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, to McElroy Deutsch 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 26, 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 30, 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 26, 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 30, 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**

December 31, 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**

To be scheduled Final settlement conference.

January 28, 2013 Trial Date. *(The June 25, 2012 trial is adjourned to this 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