

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

LYDIA & STEVEN WALTER,

*Plaintiff(s),*

vs.

OWENS ILLINOIS INC., et al

*Defendant(s).*

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

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on May 9, 2011 and the following firms appearing:

Locks Law Firm	James Pettit, Esq.	Plaintiff(s)
Breuninger & Fellman	Michael Malatino, Esq.	Mechanics Auto Parts Inc.
Hoagland Longo	Cristyn D. Clifton, Esq.	Goulds Pumps
Lynch Daskal	Lois Kim, Esq.	Georgia Pacific
Margolis Edelestein	Lisa B. Flickstein, Esq.	Woolsulate
McCarter & English	Debra M. Perry, Esq.	Owens Illinois
McElroy Deutsch	Michelle Hydrusko, Esq.	Exxon Mobil Corp.
McGivney Kluger	Joel Clark, Esq.	Brand Insulation; Hopeman Bros.; Madsen & Howell; Durametallc
Speziali Greenwald	Joanne Hawkins, Esq.	General Electric; Foster Wheeler

IT IS on this 23<sup>rd</sup> day of May, 2011 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 30, 2011                      Plaintiff shall serve answers to wrongful death interrogatories by this date.

October 14, 2011                  Plaintiff shall propound supplemental interrogatories and document requests by this date.

November 18, 2011 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

October 14, 2011 Defendants shall propound supplemental interrogatories and document requests by this date.

November 18, 2011 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 20, 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.

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

### **EARLY SETTLEMENT**

February 17, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 2, 2012 Summary judgment motions limited to product identification issues shall be filed no later than this date.

March 30, 2012 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

July 22, 2011 Plaintiff shall serve executed medical authorizations by this date.

June 30, 2011 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

June 30, 2011 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.

April 27, 2012 Plaintiff shall serve additional medical expert reports by this date.

April 27, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

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

**LIABILITY EXPERT REPORTS**

April 27, 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.

May 31, 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**

April 27, 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.

May 31, 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**

June 15, 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**

May 16, 2012 @ 1:30pm       Final 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.

June 25, 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