

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

JAMES & DOROTHY WHITEHEAD, <i>Plaintiff(s),</i>  vs.  AIR & LIQUID SYSTEMS CORP., et al <i>Defendant(s).</i>
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**Docket No: L-1706-19 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 17, 2019:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Olivia Kelly	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Dickie McCamey	William Smith	Continental Auto
Drinker Biddle	Jack Frost	American Optical Corp.
Gibbons PC	Stephan J. Finley	Selby Battersby
Goldberg Segalla	Jillian Madison	Navistar, Inc.
Lavin Cedrone	Cahterine Brunermer	Toyota Motor Sales, USA, Inc.
Lynch Daskal	Lawrence Lee	Nissan North America; Luk Aftermarket Service
Marks O'Neill	Paul Smyth	Caterpillar
Maron Marvel	Jennifer McGarrity	Industrial Holding Corp.
Marshall Dennehey	Doug Suplee	Pep Boys; Riley Stoker; Warren Pumps
McElroy Deutsch	Andrew F. Bain	Eaton Corp.
McGivney Kluger	Jack Bingham	Gardner Denver; HM Royal; Western Auto Supply; Cummins
McGivney Kluger	Jeffrey Kluger	Hopeman Brothers; Zurn
Rawle & Henderson	Linda Dobbins	Hennessy Ind.
Reilly McDevitt	Brandy Harris	Mack Trucks; Dezurik; Aurora Pump; Cleaver Brooks
Schnader Harrison	Ellen H. Kueny	Lear Siegler Diversified
Troutman Sanders	Joann P. Rogers	Standard Motor Products
Wilbraham Lawler	Jessica Reenock	Kelsey-Hayes; Buffalo Pumps

IT IS on this 17<sup>th</sup> day of **December 2019**, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

### **DISCOVERY**

- December 31, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- January 31, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 28, 2020 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.
- February 28, 2020 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- May 15, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- March 31, 2020 Plaintiff shall serve medical expert reports by this date.
- June 1, 2020 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**

- March 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- June 1, 2020 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- March 27, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 10, 2020 Summary judgment motions shall be filed no later than this date.
- May 8, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- March 31, 2020 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.

June 1, 2020 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 26, 2020 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 18, 2020 @ 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.

July 20, 2020 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