

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

Docket No: **L-1258-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

LAWRENCE & DOROTHY BARKER, <i>Plaintiff(s),</i>
vs.
BOBCAT CO., 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 July 17, 2015:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Joyce Min	Union Carbide
Daniel Kupec	Daniel Kupec	Metropolitan Life
Eckert Seamans	Elizabeth Veill	Navistar, Inc.
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hawkins Parnell	Roy Viola	Pneumo Abex
Landman Corsi	Eric Vissichelli	The Lincoln Electric Co.
LeClair Ryan	Brian P. Matthews	Ford
Lynch Daskal	Andrew Mundo	Georgia Pacific
Marks O'Neill	Sebastian Goldstein	Caterpillar Corp.
McElroy Deutsch	Gabriel Ferstendig	Eaton Corp.; Pfizer
McGivney Kluger	Thomas McNulty	Cummins
Morgan Lewis	Christopher Ianniceli	Komatsu
O'Toole Fernandez	Michael Garcia	Dana Companies
Rawle & Henderson	Linda Dobbins	JLG Industries Inc.
Reilly Janiczek	Matthew Franson	Eaton Hydraulics, LLC
Segal McCambridge	Dinesh Dadlani	Bobcat

IT IS on this 17<sup>th</sup> day of July, 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**

September 30, 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.

October 16, 2015 Depositions of corporate representatives shall be completed by this date.

## EARLY SETTLEMENT

October 23 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

October 23, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 6, 2015 Summary judgment motions shall be filed no later than this date.

December 4, 2015 Last return date for summary judgment motions.

## MEDICAL DEFENSE

August 31, 2015 Plaintiff shall serve medical expert reports by this date.

December 31, 2015 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

October 30, 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.

December 31, 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.

## EXPERT DEPOSITIONS

January 15, 2016 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

December 11, 2015 The settlement conference previously scheduled on this date is **cancelled**.

January 13, 2016 @ 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.

10 business days prior to trial Pretrial Information Exchange Form.

February 8, 2016 Trial-Ready Date. *(The January 4, 2016 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