

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

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

Civil Action

CASE MANAGEMENT ORDER IV

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 January 13, 2016:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Ronald S. Suss	Union Carbide
Gibbons PC	Ethan Stein	Honeywell International Inc.
Goldberg Segalla	H. Lockwood Miller	Textron
Jones Law Office	Richard V. Jones	Metropolitan Life
LeClair Ryan	Michael Goldklang	Ford
Lynch Daskal	Diane Pompei	Georgia Pacific
Marks O'Neill	Paul Smyth	Caterpillar Corp.
McElroy Deutsch	Chris Bledel	Eaton Corp.
McGivney Kluger	Jeffrey Kluger	JLG Industries; Cummins
O'Toole Fernandez	Max Sverdlove	Dana Companies
Reilly Janiczek	Catherine Kiernan	Eaton Hydraulics f/k/a Vickers, Inc.
Segal McCambridge	Dinesh Dadlani	Bobcat

IT IS on this 13<sup>th</sup> day of January, 2016, 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**

February 12, 2016      Textron shall serve answers to standard interrogatories by this date.

February 16, 2016      Plaintiff shall propound supplemental interrogatories as to Textron only by this date.

March 16, 2016            Textron shall serve answers to supplemental interrogatories by this date.

February 16, 2016        Textron shall propound supplemental interrogatories by this date.

March 16, 2016            Plaintiff shall serve answers to Textron's supplemental interrogatories by this date.

April 1, 2016              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.

April 1, 2016              Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 8, 2016              Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 1, 2016              Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 15, 2016             Summary judgment motions shall be filed no later than this date.

May 13, 2016              Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 31, 2016              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**

April 29, 2016             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, 2016              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**

June 17, 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**

March 15, 2016                      The settlement conference previously scheduled on this date is **cancelled**.

June 16, 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.

July 18, 2016                      **Trial-Ready Date.** (*The April 11, 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