

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

TIMOTHY & CHARLENE McGRATH,

Plaintiff(s),

vs.

BOB MAGIRE PARTS CENTER INC., et al

Defendant(s).

Docket No: **L-298-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 12, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Jennifer L. Harwood	Plaintiff(s)
Breuninger & Fellman	Susan Fellman	Genuine Parts Co.; NAPA
Eckert Seamans	Thomas Oakes	Ford
Hoagland Longo	Daniel Kuszmanski	Borg Warner
Lavin O'Neil	LaWanda D. White	Bob Maguire Parts Center
McGivney Kluger	Joel Clark	Lucas Motor Co.
Wilbraham Lawler	Mary Chicorelli	Holman

IT IS on this 17th day of June, 2013 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

July 5, 2013 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.

July 12, 2013 Defendants shall serve answers to standard interrogatories by this date.

July 19, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 16, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 19, 2013 Defendants shall propound supplemental interrogatories and document requests by this date.

August 16, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 16, 2013 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

October 15, 2013 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 15, 2013 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 13, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

November 8, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

December 6, 2013 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

August 2, 2013 Plaintiff shall serve executed medical authorizations by this date.

July 19, 2013 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

July 5, 2013 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 19, 2013 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.

October 8, 2013 Plaintiff shall serve additional medical expert reports by this date.

December 10, 2013 The defense medical examination of plaintiff(s) shall be completed by this date.

January 10, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

December 31, 2013 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.

January 31, 2014 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

February 14, 2014 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

February 11, 2014 @ 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.

February 24, 2014 Trial Date.

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Vincent Le Blon
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One