

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 IV

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 12, 2015:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Jennifer Ruhl	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.; NAPA
Gibbons PC	Ethan Stein	Honeywell International Inc.
Lavin O'Neil	Edward Finch	Bob Maguire Parts Center
LeClair Ryan	Brian P. Matthews	Ford
McGivney Kluger	Caitlin Christie	Lucas Motor Co.
Sedgwick	Christopher Keale	Borg Warner
Troutman Sanders	Richard P. O'Leary	Parker Hannifan; Standard Motor
Wilbraham Lawler	Elizabeth deBerardinis	Holman

IT IS on this 12<sup>th</sup> day of May, 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**

- June 12, 2015            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.
- June 26, 2015            Defendants shall serve answers to standard interrogatories by this date.
- July 10, 2015            Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 10, 2015        Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 10, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

August 10, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

August 31, 2015 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.

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.

September 30, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

October 9, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

October 9, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 23, 2015 Summary judgment motions shall be filed no later than this date.

November 20, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

July 17, 2015 Plaintiff shall serve executed medical authorizations by this date.

June 30, 2015 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

June 12, 2015 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

September 30, 2015 Plaintiff shall serve additional medical expert reports by this date.

November 30, 2015 The defense medical examination of plaintiff(s) shall be completed by this date.

December 31, 2015 Defendants shall identify its medical experts and serve medical expert 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**

December 21, 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.

January 25, 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**

February 12, 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**

August 4, 2015 The settlement conference previously scheduled on this date is **cancelled**.

December 16, 2015 @ 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 4, 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.

February 22, 2016 Trial Date. (*The August 31, 2015 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