

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 V

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 16, 2015:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Patrick Bartels	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.; NAPA
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
LeClair Ryan	Michael Goldklang	Ford
McGivney Kluger	Thomas McNulty	Lucas Motor Co.
Sedgwick	Bridget Polloway	Borg Warner
Troutman Sanders	Joanne Rogers	Parker Hannifan; Standard Motor

IT IS on this **21<sup>st</sup>** day of **September, 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**

November 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.

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

**EARLY SETTLEMENT**

September 30, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

- December 18, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 8, 2016 Summary judgment motions shall be filed no later than this date.
- February 5, 2016 Last return date for summary judgment motions.

## MEDICAL DEFENSE

- December 18, 2015 Plaintiff shall serve additional medical expert reports by this date.
- January 15, 2016 The defense medical examination of plaintiff(s) shall be completed by this date.
- March 18, 2016 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

- March 11, 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.
- April 15, 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

- April 29, 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 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 The settlement conference previously scheduled on this date is **cancelled**.

April 21, 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.

May 16, 2016

Trial Date. (*The February 22, 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