

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

Docket No: L-5243-14 (AS)

Civil Action

CASE MANAGEMENT ORDER I

| | |
|--------------------------|----------------------|
| ERNEST MOORE, | <i>Plaintiff(s),</i> |
| vs. | |
| ARVINMERITOR INC., 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 *February 4, 2016*:

| FIRM | ATTORNEY | CLIENT |
|--------------------|---------------------------|-------------------------|
| Napoli Shkolnik | Kardon Stolzman | Plaintiff(s) |
| Caruso Smith | Stacey Lee Trien | Union Carbide |
| Gibbons | Ethan Stein | Honeywell Int'l. Inc. |
| Jones Law Office | Richard V. Jones | Metropolitan Life |
| Kent McBride | David Rutkowski | Charles Wagner |
| Lynch Daskal | Kate Romick | Georgia Pacific |
| Margolis Edelstein | Dawn Dezii | John Crane Inc. |
| McElroy Deutsch | Joseph D. Rasnek | Arvinmeritor |
| Pascarella DiVita | Brad Bishop | Trane |
| Sedgwick | Nicole Nielson-Pachkofsky | Borg Warner |
| Wilbraham Lawler | Tristin Fabro | Western Auto Supply Co. |

IT IS on this 5th day of **February, 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.

Defense counsel shall notify plaintiff's 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

- | | |
|----------------|--|
| April 1, 2016 | Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.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. A |
| April 22, 2016 | Defendants shall serve answers to standard interrogatories by this date. |
| May 13, 2016 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |

June 13, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

May 13, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

June 13, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 30, 2016 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.

July 29, 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.

July 29, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

August 19, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 2, 2016 Summary judgment motions shall be filed no later than this date.

September 30, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

April 1, 2016 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

April 1, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 15, 2016 Plaintiff shall serve medical expert reports by this date.

July 15, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 15, 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

September 30, 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.

November 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.

ECONOMIST EXPERT REPORTS

September 30, 2016 Plaintiff shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

November 15, 2016 Defendants shall identify its expert economists and serve expert economist report(s), if any, by this date or waive any opportunity to rely on economic expert testimony.

EXPERT DEPOSITIONS

December 2, 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 7, 2016 @ 1:30pm 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 due.

January 9, 2017 **Trial-Ready** 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