

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

MATTHEW HODJERA and SYLVIA DUFF PETO, <i>Plaintiff(s),</i> vs. BORGWARNER MORSE TEC LLC, et al <i>Defendant(s).</i>
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Docket No: L-5368-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 17, 2020:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
McCarter & English	Theresa A. Dill	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Kevin Hoffman	DAP Products Inc.

IT IS on this 17th day of March 2020, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

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|----------------|---|
| March 31, 2020 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| May 1, 2020 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| March 31, 2020 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| May 1, 2020 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |
| June 16, 2020 | Defendants shall identify the cross-claims they intend to prove and the proofs as to each cross-claim per <u>Rowe</u> by this date. |

June 30, 2020 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.

June 30, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

September 4, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

April 3, 2020 Plaintiff shall serve executed medical authorizations by this date.

July 31, 2020 Plaintiff shall serve medical expert reports by this date.

July 31, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 11, 2020 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

July 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

September 11, 2020 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.

SUMMARY JUDGMENT MOTION PRACTICE

September 4, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 18, 2020 Summary judgment motions shall be filed no later than this date.

October 16, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

July 31, 2020 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.

September 11, 2020 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

November 13, 2020 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.

