

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

Docket No: L-5516-16 (AS)

Civil Action

**CASE MANAGEMENT ORDER IX
AMENDED**

ESTATE of STEPHEN KOPP III, <i>Plaintiff(s),</i>
vs.
BRIDGESTONE FIRESTONE NORTH AMERICA TIRE, LLC, et al <i>Defendant(s).</i>

This matter having previously come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 2, 2019:

FIRM	ATTORNEY	CLIENT
<i>Levy Konigsberg</i>	<i>Lara Weissman</i>	<i>Plaintiff(s)</i>
<i>Breuninger & Fellman</i>	<i>Raymond Chow</i>	<i>Genuine Parts Co.; National Automotive Parts Assoc.; TMD Friction Inc.</i>
<i>Budd Lerner</i>	<i>Terence W. Camp</i>	<i>Goodyear Tire & Rubber Co.</i>
<i>Caruso Smith</i>	<i>Alexandra Caruso</i>	<i>Union Carbide</i>
<i>Delany McBride</i>	<i>Robert DiSandro</i>	<i>Hitachi Chemical Co. America</i>
<i>Gibbons</i>	<i>Daniel Dorfman</i>	<i>Honeywell International</i>
<i>Goldberg Segalla</i>	<i>H. Lockwood Miller</i>	<i>Navistar International</i>
<i>Greenbaum Rowe</i>	<i>Brian Kornbrek</i>	<i>American Honda Motor Co., Inc.</i>
<i>Hawkins Parnell</i>	<i>Roy Viola</i>	<i>Pneumo Abex</i>
<i>Kaufman Borgeest</i>	<i>Jon Hallett</i>	<i>Morton International</i>
<i>Landman Corsi</i>	<i>Oliver Encarnacion</i>	<i>Fel-Pro</i>
<i>Lavin Cedrone</i>	<i>Edward Finch</i>	<i>Toyota Motor Sales, USA; Sumitomo Electric USA; Mazda North American Operations, Inc.</i>
<i>LeClair Ryan</i>	<i>Gary M. Sapir</i>	<i>Ford</i>
<i>Lynch Daskal</i>	<i>Daniel Gagliardi</i>	<i>Luk Clutch Systems</i>
<i>Margolis Edelstein</i>	<i>Dawn Dezii</i>	<i>Goodrich Corp.</i>
<i>McElroy Deutsch</i>	<i>Joseph D. Rasnek</i>	<i>ExxonMobil Corp.</i>
<i>McGivney Kluger</i>	<i>Trish Wilson</i>	<i>ZF North American, Inc.; Western Auto Supply co.</i>
<i>O'Toole Scrivo</i>	<i>Gary Van Lieu</i>	<i>Akebono Brake</i>
<i>Rawle & Henderson</i>	<i>Samuel Garson</i>	<i>Hennessy</i>
<i>Tanenbaum Keale</i>	<i>Christopher Keale</i>	<i>Borg Warner Morse Tec</i>
<i>Wilbraham Lawler</i>	<i>Josette Spivak</i>	<i>Kelsey Hayes</i>
<i>Wilson Elser</i>	<i>Joseph Hanlon</i>	<i>Texaco</i>

IT IS on this **30th** day of **MAY 2019**, that Case Management Order IX is hereby

AMENDED 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.

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

July 31, 2019 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 31, 2019 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 6, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

September 30, 2019 Plaintiff shall serve medical expert reports by this date.

September 30, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 31, 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

September 30, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

January 31, 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

October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 25, 2019 Summary judgment motions shall be filed no later than this date.

November 22, 2019 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

March 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. 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

To be scheduled

Settlement conference.

April 13, 2020

Trial Date. *(The March 16, 2020 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