

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

Docket No: L-4112-19 (AS)

Civil Action

CASE MANAGEMENT ORDER I

VINCENT & JANE ANSETTA,	<i>Plaintiff(s),</i>
vs.	
ALLERGAN USA 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 September 16, 2019:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	James Kramer	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Day Pitney	Michael J. Fitzpatrick	US Metals & Refining Co.
Eckert Seamans	Ezra Alter	JCP&L
Foley & Mansfield	Enka Muse	Strick Trailers
Goldberg Segalla	Jillian Madison	Hyster Yale Group; Navistar; CNH Industrial America
Hardin Kundla	Cynthia Lee	Deere & Co.
Harwood Lloyd	Russell Pepe	Carlisle
Hawkins Parnell	Roy Viola	Celanese/CAN; P&H; Paccar
K&L Gates	Gary M. Sapir	Ford Motor Co.
Kelley Jasons	Angela Caliendo	FMC Corp.
Lavin Cedrone	Julianne Jayson	Mars Incorp.
Lavin Cedrone	Elizabeth Jones	Daimler Trucks
Littleton Park	Jason R. Schmitz	BASF Corp.
Marin Goodman	Terence W. Camp	The Goodyear Tire & Rubber Co.
Marks O'Neill	Paul Smyth	Caterpillar Inc.; JM Manufacturing Co.
Marshall Dennehey	Paul Johnson	Riley Power; Terek; Pep Boys; Beach Electric; Marmon-Herrington
McElroy Deutsch	Charles Benjamin	Eaton Corp.; Rockwell Automation; Sprinkmann
McGivney Kluger	Joel Clark	Cummins Inc.; Graybar; Wilson Trailer Co.; Binsky & Snyder; Standco Ind. Lufkin Ind.; Ameron Int'l.
McGivney Kluger	Trish Wilson	Wester Auto
Morgan Lewis	Amy Janssen	Merck
Norris McLaughlin	Eric Alvarez	Blue Bird Co.
O'Brien Firm	William O'Brien	Bucyrus Int'l.
O'Toole Scrivo	Gary Van Lieu	D-Co.; McNeil (Ohio); BWDAC Inc.
Pascarella DiVita	John McGowan	Trane US, Inc.; Crane Co.
Pepper Hamilton	Jeff Carr	Honeywell / Allied
Porzio Bromberg	Tanya Y. Shah	EI DuPont de Nemours & Co.; AT&T Corp.; Nokia of America Corp.
Rawle & Henderson	Samuel Garson	Cyprus Amax Minerals Co.; Henkels & McCoy; Mack Trucks; Hennessy Ind.

Reilly McDevitt	Joshua Sonstein	Cleaver Brooks
Richard D. Millet	Richard D. Millet	NL Industries
Tanenbaum Keale	Christopher Keale	Borg Warner
Troutman Sanders	Joanne P. Rogers	Standard Motor Products Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Janssen
Wilbraham Lawler	Josette Spivak	PSE&G; Clark Equipment; Timpte; Utility Trailer; Kelsey-Hayes; Great Dane

IT IS on this 16th day of September 2019, *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

- September 30, 2019 Defendants shall serve answers to standard interrogatories by this date.
- October 11, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 15, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 11, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 15, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 20, 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.
- January 31, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- April 3, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

- February 14, 2020 Plaintiff shall serve medical expert reports by this date.
- February 14, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- May 8, 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

- February 14, 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.
- May 8, 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

- February 14, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 28, 2020 Summary judgment motions shall be filed no later than this date.
- March 27, 2020 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

- June 5, 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

- April 29, 2020 @ 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.
- June 29, 2020 Trial Date.

Plaintiff(s) counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Phillip L. Paley
PHILLIP L. PALEY, J.S.C.

cc: Clerk, Mass Tort