

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

Docket No: **L-2641-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

HAROLD BROWN,
<i>Plaintiff(s),</i>
vs.
CATERPILLAR, 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 July 10, 2014:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Leah Kagan	Plaintiff(s)
Caruso Smith Picini	Richard Picini	Union Carbide
Gibbons	Ethan Stein	Honeywell
Goldberg Segalla	Leah A. Bradjar	McCord Corp.
Hardin Kundla	Cynthia Lee	Deere & Co.
Hawkins Parnell	Roy Viola	Abex
Hoagland Longo	Jason Gosnell	Thul Auto Parts
Landman Corsi	Sonya Cole	Federal Mogul Asbestos Personal Injury Trust (Fel-Pro)
LeClair Ryan	Michael Goldklang	Ford
Marks O'Neill	Paul Smyth	Caterpillar
O'Toole Fernandez	Leslie Lombardy	Dana Co.
Pascarella DiVita	Corinne Cerrati	Ingersoll Rand
Rawle & Henderson	David Samlin	Mack Trucks, Inc.
Wilbraham Lawler	Bernard E. Kueny, III	Cummins
Budd Larner	Terence Camp	The Goodyear Tire & Rubber Co.

IT IS on this 11th day of July, 2014 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 plaintiffs' 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

- July 25, 2014 Defendants shall serve answers to standard interrogatories by this date.
- August 8, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 8, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- August 8, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.
- September 8, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 31, 2014 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.
- October 31, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- November 7, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- November 7, 2014 Summary judgment motions shall be filed no later than this date.
- December 5, 2014 Last return date for summary judgment motions.

MEDICAL DEFENSE

- August 29, 2014 Plaintiff shall serve medical expert reports and transfer pathology to O'Toole Fernandez by this date.
- December 31, 2014 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

- November 28, 2014 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.
- December 31, 2014 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

- November 28, 2014 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.
- December 31, 2014 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

- January 30, 2015 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

- January 21, 2015 @ 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.
- February 23, 2015 Trial 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
Brody Deposition Services
Priority One