

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

Docket No: **L-3174-13 (AS)**

FRED FLAGG, <i>Plaintiff(s),</i> vs. HONEYWELL INTERNATIONAL INC., et al <i>Defendant(s).</i>

Civil Action

CASE MANAGEMENT ORDER IV

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 8, 2017:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Bonner Kiernan	Sheila King	Occidental Chemical Corp.; Olin Corp.
Eckert Seamans	Robert McGuire	AO Smith
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hill Wallack	Peter A. Swift	Hoeganaes Corp.
Kent McBride	Francine Dimter	Alfa Laval
Margolis Edelstein	Dawn Dezii	Polyone
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Caitlin Bodtmann	Weil McLain; Campbell Soup; Brand Insulations
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Adrianna Exler	Cleaver Brooks, Inc.
Segal McCambridge	Audrey O. Anyaele	BW/IP
Speziali Geenwald	Joanne Hawkins	Borg Warner; Foster Wheeler
Slowinski Atkins	Angelo Cuonzo	Kindor Morgan
Wilbraham Lawler	Tristin Fabro	PSE&G; Exelon

IT IS on this 9th day of **March, 2017**, *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.

DISCOVERY

- August 15, 2017 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.
- September 29, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

October 20, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 3, 2017 Summary judgment motions shall be filed no later than this date.

December 1, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 29, 2017 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

October 27, 2017 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 29, 2017 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

October 27, 2017 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 29, 2017 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 22, 2018 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

June 1, 2017 The settlement conference previously scheduled on this date is **cancelled**.

January 18, 2018 @ 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 20, 2018 (*Tuesday*) Trial Date. (*The June 26, 2017 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