

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

Docket No: **L-145-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

HARVEY & SALVATRICE BIRCH,
<i>Plaintiff(s),</i>
vs.
AIW 2010 WIND DOWN CORP., 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 August 12, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Bonner Kiernan	Kevin E. Monastra	Occidental Chemical Corp.
Caruso Smith	Lisa Massimi	Union Carbide
Greenberg Traurig	Shevani Jaisingh	Spaulding Composites Inc.
Lavin O'Neil	Edward Finch	Verizon New Jersey Inc.
Locke Lorde	Eric Alvarez	Alcatel-Lucent
Marshall Dennehey	Paul Johnson	RSCC Wire & Cable
McGivney Kluger	Thomas McNulty	Rogers Corp.; Graybar Corp.
Sedgwick LLP	Afigo Fadahunsi	General Electric
Wilbraham Lawler	John A. Fitzpatrick	Plastics Engineering
Wilson Elser	Carolyn F. O'Connor	AT&T Corp.

IT IS on this 14<sup>th</sup> day of August, 2015, 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.

**DISCOVERY**

September 4, 2015 Defendants shall serve answers to standard interrogatories by this date.

September 18, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.

October 19, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 18, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

October 19, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 29, 2016 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.

February 29, 2016 Depositions of corporate representatives shall be completed by this date.

#### **CASE MANAGEMENT CONFERENCE**

December 14, 2015 The Case Management Conference previously scheduled before the Special Master on this date is **cancelled**.

#### **EARLY SETTLEMENT**

May 6, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

March 18, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 1, 2016 Summary judgment motions shall be filed no later than this date.

April 29, 2016 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

January 29, 2016 Plaintiff shall serve medical expert reports by this date.

January 29, 2016 **Upon request by defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 31, 2016 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**

January 29, 2016 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.

May 31, 2016 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**

- January 29, 2016      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.
- May 31, 2016        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**

- June 17, 2016        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 8, 2016 @ 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. 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.
- July 11, 2016              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