

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

**Docket No:** L-6623-11 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

RICHARD AYALA,

*Plaintiff(s),*

vs.

AGCO CORPORATION, et al

*Defendant(s).*

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on April 19, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Levy Phillips & Konigsberg	Nathaniel Falda	Plaintiff(s)
Braaten & Pascarella	Stephanie A. DiVita	Rheem Mfg.; Trane US; Cooper Ind.; Ingersoll-Rand
Caruso Smith	Ronald S. Suss	CertainTeed; Union Carbide
Christie Pabarue	Margaret Juliano	HB Fuller
Gibbons	Alan Gries	Selby
Hoagland Longo	Steven Satz	Goulds; Burnham; York
Kelley Jasons	Angela Caliendo	FMC
Leader & Berkon	Joseph Fontak	IMO; Spriax Sarco
Lynch Daskal	Ian S. Millican	Georgia Pacific
Margolis Edelstein	Ashley T. Mollenthiel	Columbia Boiler Co.
Marks O'Neil	Paul Smyth	Whirlpool
Marshall Dennehey	Lisa Only	Kaiser Gypsum
Mattson Madden Leith	John Leith	Okonite
Mayfield Turner	Sara Saltzman	Carrier
McCarter & English	Amy Klug	Ashland; Hercules
McElroy Deutsch	Lindsey P. Bobinger	Eaton
McGivney Kluger	Joel Clark	Nash; Weil McLain; Taco; Gorman Rupp; Gardner Denver; Duriron; Kentile
McGowan Law Offices	John McGowan	Sears
Morgan Lewis Bockius	Christopher Iannicelli	Philips Electronics North America Corp.
Rawle & Henderson	Melissa Knoerzer	American Biltrite Inc.
Reilly Janiczek	Brandy Harris	Aurora Pump; Cleaver Brooks; ITT
Salmon Ricchezza	Michael C. Gallagher	AGCO
Speziali Greenwald / Sedgwick Detert	Joanne Hawkins	CBS
Wilbraham Lawler	Tonya M. Harris	Buffalo Pumps
Wilson Elser	Gina Calabria	Warren Pumps

IT IS on this 20<sup>th</sup> day of April, 2012 *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**

- May 4, 2012                      Plaintiff shall propound supplemental interrogatories and document requests on new defendants by this date.
- June 1, 2012                      New defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 4, 2012                      New defendants shall propound supplemental interrogatories and document requests by this date.
- June 1, 2012                      Plaintiff shall serve answers to supplemental interrogatories and document requests propounded by new defendants by this date.
- June 29, 2012                      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.
- June 29, 2012                      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- June 8, 2012                      The settlement conference previously scheduled on this date is **CANCELLED**.
- July 6, 2012                      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

- July 13, 2012                      Summary judgment motions limited to product identification issues shall be filed no later than this date.
- August 10, 2012                      Last return date for product identification summary judgment motions.

**OTHER MOTIONS**

- July 27, 2012                      Filing date.
- August 24, 2012                      Return date.

## **MEDICAL DEFENSE**

- May 4, 2012 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.
- April 30, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, to Caruso Smith by this date.
- July 16, 2012 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

## **LIABILITY EXPERT REPORTS**

- July 31, 2012 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.
- August 31, 2012 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**

- July 31, 2012 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.
- August 31, 2012 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**

- September 14, 2012 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**

- September 6, 2012 @ 1:30pm Final 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.

October 1, 2012

Trial Date. *(The July 23, 2012 trial is adjourned to this date.)*

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

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One