

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

Docket No: L-145-15 (AS)

Civil Action

CASE MANAGEMENT ORDER VII

ESTATE of HARVEY 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 January 12, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Daniel LaTerra	Plaintiff(s)
Bonner Kiernan	Mark A. Lockett	Occidental Chemical Corp.
Caruso Smith	Marcia DePolo	Union Carbide
Lavin O'Neil	Edward T. Finch	Verizon New Jersey Inc.
Marshall Dennehey	Arthur Bromberg	RSCC Wire & Cable; Leviton; AIW
McGivney Kluger	Christopher M. Longo	Spaulding Composites Inc.; Spaulding Fibre Co.; Monogram Industries, Inc.
McGivney Kluger	Thomas McNulty	Graybar Co.; Rogers Corp.
Porzio Bromberg	Michelle Burke	Alcatel-Lucent; AT&T Corp.
Speziali Greenwald	Arshia Hourizadeh	General Electric
Traflet & Fabian	Christie Gurry	AFC Cable Systems, Inc.
Wilbraham Lawler	Benjamin Salvina	Plastics Engineering

IT IS on this 16th day of January, 2018, 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

- June 15, 2018 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 15, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

October 12, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 17, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 31, 2018 Summary judgment motions shall be filed no later than this date.

September 28, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

August 10, 2018 Plaintiff shall serve medical expert reports by this date.

November 30, 2018 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

August 10, 2018 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.

November 30, 2018 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

August 10, 2018 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.

November 30, 2018 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

December 28, 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

April 18, 2018 The settlement conference previously scheduled on this date is **cancelled**.

To be scheduled Settlement conference.

January 28, 2019 Trial Date. (*The June 18, 2018 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