

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

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

**Civil Action**

**CASE MANAGEMENT ORDER XI**

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 June 7, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Caruso Smith	Thomas M. Rogers	Union Carbide
Marshall Dennehey	Arthur Bromberg	RSCC Wire & Cable; AIW 2010 Wind Down Corp.
McGivney Kluger	Charles M. McGivney Christopher M. Longo	Spaulding Composites Inc.; Spaulding Fibre Co.; Monogram Industries, Inc. Graybar Co.
McGivney Kluger	Caitlin Bodtmann	Graybar Co.; Rogers Corp.
Porzio Bromberg	Tanya Y Shah	AT&T Corp.
Segal McCambridge	Alexander Schaffel	Nortek
Speziali Greenwald	Joanne Hawkins	General Electric
Traflet & Fabian	Christine Gurry	AFC Cable Systems, Inc.
Wilbraham Lawler	Josette Spivak	Plastics Engineering Co.

IT IS on this 10<sup>th</sup> day of **June 2019**, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

## **DISCOVERY**

August 30, 2019 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.

August 30, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

December 20, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

October 25, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 8, 2019 Summary judgment motions shall be filed no later than this date.

December 6, 2019 Last return date for summary judgment motions.

## **MEDICAL EXPERT REPORT**

January 31, 2020 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 15, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

January 31, 2020 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 15, 2019 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.

January 31, 2020 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**

February 28, 2020 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**

To be scheduled                      Settlement conference.

March 30, 2020                      Trial Date. (*The January 21, 2020 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