

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

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

**Civil Action**

**CASE MANAGEMENT ORDER IX**

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 November 14, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Lara Weissman	Plaintiff(s)
Bonner Kiernan	Mark A. Lockett	Occidental Chemical Corp.
Caruso Smith	Marcia DePolo	Union Carbide
Lavin O'Neil	LaWanda D. White	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.; Graybar Co.; Rogers Corp.
Porzio Bromberg	Michelle M. Burke	AT&T Corp.
Segal McCambridge	Alexander Schaffel	Nortek
Speziali Greenwald	Joanne Hawkins	General Electric
Traflet & Fabian	Christine Gurry	AFC Cable Systems, Inc.
Wilbraham Lawler	Anisha Abraham	Plastics Engineering

IT IS on this **15<sup>th</sup>** day of **November, 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**

January 31, 2019          Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

May 10, 2019          Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- March 15, 2019            Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 29, 2019            Summary judgment motions shall be filed no later than this date.
- April 26, 2019            Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- March 1, 2019            Plaintiff shall serve medical expert reports by this date.
- June 14, 2019            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**

- March 1, 2019            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.
- June 14, 2019            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**

- March 1, 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.
- June 14, 2019            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**

- July 15, 2019            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 30, 2019            The settlement conference previously scheduled on this date is **cancelled**.

July 16, 2019 @ 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.

August 19, 2019

Trial Date. (*The June 3, 2019 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