

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

Docket No: L-836-10 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ESTATE OF ANITA CREUTZBERGER,

Plaintiff(s),

vs.

ABEX CORP., et al

Defendant(s).

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 23, 2011 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Michael McMahon	Plaintiff(s)
Eckert Seamans	Veronica M. Nelson	Ford
Gibbons	Ethan Stein	Honeywell
Harwood Lloyd	Russell Anderson	Motion Control
Hoagland Longo	Mark Wasef	Borg Warner
O'Toole Fernandez	Gina Apostolico	Dana
Wilbraham Lawler	John A. Fitzpatrick	Kelsy-Hayes

IT IS on this 23rd day of June, 2011 *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 plaintiffs' 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

July 22, 2011 Plaintiff shall serve answers to wrongful death interrogatories by this date.

July 22, 2011 Plaintiff shall serve supplemental / amended answers to interrogatories by this date.

July 8, 2011 Defendants shall serve answers to standard interrogatories by this date.

July 22, 2011 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 19, 2011 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

August 5, 2011 Defendants shall propound supplemental interrogatories and document requests by this date.

September 2, 2011 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 30, 2011 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.

December 30, 2011 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 30, 2011 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 20, 2012 Summary judgment motions limited to product identification issues shall be filed no later than this date.

February 17, 2012 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

July 22, 2011 Plaintiff shall serve executed medical authorizations by this date.

August 5, 2011 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.

December 30, 2011 Plaintiff shall serve additional medical expert reports by this date.

March 2, 2012 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

February 3, 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.

March 2, 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.

EXPERT DEPOSITIONS

March 30, 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

March 21, 2012 @ 10:00am 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.

April 23, 2012 Trial 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