

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

**Docket No: L-836-10 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER III**

ESTATE OF ANITA CREUTZBERGER,
<i>Plaintiff(s),</i>
vs.
ABEX CORP., et al
<i>Defendant(s).</i>

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on December 13, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Cohen Placietella & Roth	Michael Noonan	Plaintiff(s)
Caruso Smith	Marcia DePolo	Union Carbide
Eckert Seamans	Veronica Nelson	Ford
Gibbons	Ethan Stein	Honeywell
Hoagland Longo	Daniel Kuszmerski	Borg Warner
O'Toole Fernandez	Leslie Lombardy	Dana
Smith Abbot	Edward P. Abbot	Pneumo Abex
Wilbraham Lawler	Mary F. Chicorelli	Kelsey-Hayes; Maremont

IT IS on this 13<sup>th</sup> day of **December, 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**

March 1, 2013 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.

March 1, 2013 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

March 8, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

March 22, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

April 19, 2013 Last return date for product identification summary judgment motions.

## **OTHER MOTIONS**

April 5, 2013 Filing date.

May 3, 2013 Return date.

## **MEDICAL DEFENSE**

April 5, 2013 Plaintiff shall serve additional medical expert reports by this date.

April 5, 2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 31, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

## **LIABILITY EXPERT REPORTS**

April 30, 2013 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.

May 31, 2013 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**

April 30, 2013 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.

May 31, 2013 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**

June 14, 2013 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**

June 4, 2013 @ 10:00am 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.

June 24, 2013 Trial Date.

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

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One