

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

**Docket No:** L-1924-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of MICHAEL FIELDS, <i>Plaintiff(s),</i>
vs.
WHITTAKER CLARK & DANIELS, 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 April 11, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Daniel Weiss	Plaintiff(s)
Breuninger Fellman	Raymond Chow	Genuine Parts Co.; National Automotive Parts Co.
Buchanan Ingersoll	Chris Dalton	King Research Inc.
Connell Foley	Timothy Corriston	Colgate Palmolive / Mennen
Gibbons	Ethan Stein	Honeywell International
Hawkins Parnell	Roy Viola	American International Ind.; Pneumo Abex
Hoagland Longo	Ibrahim Kosoko	Kohler Co.
McElroy Deutsch	Kate Chetta	Barrett Minerals; Pfizer
McGivney Kluger	Caitlin Bodtmann	Whittaker Clark & Daniels
Rawle & Henderson	Samuel Garson	Cyprus Amax Minerals; Imerys USA
Tanenbaum Keale	Robert M. Gilmartin	Borg Warner

IT IS on this 15<sup>th</sup> day of **April 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.

Defense counsel shall notify plaintiff's 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.

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**

May 31, 2019                      Jurisdictional discovery to be conducted by this date.

June 14, 2019                     Plaintiff shall serve answers to wrongful death interrogatories by this date.

June 28, 2019 Defendants shall serve answers to standard interrogatories by this date.

July 15, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 23, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 15, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

August 23, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

October 31, 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.

November 29, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 29, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

June 14, 2019 Plaintiff shall serve updated medical authorizations by this date.

January 31, 2020 Plaintiff shall serve medical expert reports by this date.

January 31, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 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**

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

March 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 9, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 24, 2020 Summary judgment motions shall be filed no later than this date.

May 22, 2020 Last return date for summary judgment motions.

**ECONOMIST EXPERT REPORTS**

January 31, 2020            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.

March 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**

June 30, 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.

July 27, 2020              Trial 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