

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

**Docket No:** L-3174-13 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER VII**

ESTATE of FRED FLAGG,  <i>Plaintiff(s),</i>  vs.  HONEYWELL INTERNATIONAL INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *November 8, 2018*:

FIRM	ATTORNEY	CLIENT
Shivers Gosnay & Greatrex	Donald Gosnay	Plaintiff(s)
Bonner Kiernan	Sheila King	Occidental Chemical Corp.; Olin Corp.
Eckert Seamans	Ezra Alter	AO Smith
Gibbons PC	Ethan Stein	Honeywell International Inc.
Hill Wallack	Grant C. Wright	Hoeganaes Corp.
Kent McBride	Matt Forys	Alfa Laval
Margolis Edelstein	Nicholas Sulpizio	Polyone
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.; Texaco Inc.
McGivney Kluger	Caitlin Bodtmann	Weil McLain; Campbell Soup; Brand Insulations
Pascarella DiVita	John McGowan	Ingersoll Rand
Porzio Bromberg	Michelle Burke	DuPont
Reilly McDevitt	Ryan Notarangelo	Cleaver Brooks, Inc.
Segal McCambridge	Justine Martolano	BW/IP
Slowinski Atkins	Angelo Cuonzo	Kindor Morgan
Tanenbaum Keale	Afigo Fadahunsi	Borg Warner; Foster Wheeler
Wilbraham Lawler	Lynne E. Roberts, III	PSE&G; Exelon

IT IS on this 13<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**

- March 8, 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.
- March 8, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 15, 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**

July 31, 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**

June 14, 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.

July 31, 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**

June 14, 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.

July 31, 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**

August 30, 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**

March 14, 2019 The settlement conference previously scheduled on this date is **cancelled**.

September 10, 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.

September 30, 2019

Trial Date. (*The April 22, 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/ Phillip L. Paley*  
PHILLIP L. PALEY, J.S.C.

cc: Clerk, Mass Tort