

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

**Docket No:** L-4845-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

KENNETH & PATRICIA GRAF, <i>Plaintiff(s),</i>
vs.
ACE FORD, 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 October 18, 2018:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Gibbons PC	Daniel Dorfman	Honeywell International
Greenbaum Rowe	Brian Kornbrek	American Honda Motor Co.
Landman Corsi	Gregory Damico	Fel-Pro
Lavin O'Neil	Sarina Kaplan	Toyota Motor Sales, USA, Inc.
LeClair Ryan	Gary M. Sapir	Ford Motor Co.
Margolis Edelstein	Nicholas Sulpizio	Steve's Auto Supply
Marshall Dennehey	Paul Johnson	Pep Boys
Rawle & Henderson	Sam Garson	Hennessy Industries
Tanenbaum Keale	Afigo Fadahunsi	BornWarner Morse Tec

IT IS on this 22<sup>nd</sup> day of **October, 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.

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.

**DISCOVERY**

November 16, 2018 Defendants shall serve answers to standard interrogatories by this date.

November 30, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.

January 11, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 30, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.

January 11, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

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

### **EARLY SETTLEMENT**

June 14, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 28, 2019 Summary judgment motions shall be filed no later than this date.

July 26, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 31, 2019 Plaintiff shall serve medical expert reports by this date.

May 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 30, 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**

May 31, 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.

August 30, 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**

- May 31, 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.
- August 30, 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**

- September 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**

- September 26, 2019 @ 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.
- October 21, 2019 Pretrial Information Exchange submissions due.
- October 28, 2019 Trial-Ready 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: counsel:

Lynch Daskal *for Nissan North America*  
O'Toole Scrivo *for DCo*  
Wilbraham Lawler *for Kelsey-Hayes*  
cc: Clerk, Mass Tort