

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

Docket No: L-5368-17 (AS)

Civil Action

CASE MANAGEMENT ORDER I

MATTHEW HODJERA and SYLVIA DUFF-PETO, <i>Plaintiff(s),</i>
vs.
BORGWARNER MORSE TEC., 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 10, 2018:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William L. Kuzmin	Plaintiff(s)
Gibbons PC	Robert Brown	Honeywell International
Hawkins Parnell	Roy Viola	Pneumo Abex
Herzfeld Rubin	Nadine Kohane	Volkswagen Group of America
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
McGivney Kluger		DAP, Inc.
O'Toole Scrivo	Franklin Paez	DCO (Dana)
Tanenbaum Keale	Pamela R. Kaplan	Borgwarner Morse Tec LLC

IT IS on this 12th day of April, 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

- | | |
|----------------|--|
| April 13, 2018 | Defendants shall serve answers to standard interrogatories by this date. |
| April 27, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| June 1, 2018 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| April 27, 2018 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| June 1, 2018 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |

July 16, 2018 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.

July 16, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

July 20, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

July 20, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 3, 2018 Summary judgment motions shall be filed no later than this date.

August 31, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

April 16, 2018 Plaintiff shall serve executed medical authorizations by this date.

July 16, 2018 Plaintiff shall serve medical expert reports by this date.

September 28, 2018 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

July 16, 2018 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.

September 28, 2018 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

July 16, 2018 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.

September 28, 2018 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

October 26, 2018 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

November 2, 2018 @ 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.

November 21, 2018 Pretrial Information Exchange submissions due.

December 3, 2018 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: Clerk, Mass Tort