

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

Docket No: L-739-15 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ARTHUR HOWARTH,	
	<i>Plaintiff(s),</i>
vs.	
ABB INC., 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 May 27, 2015:

FIRM	ATTORNEY	CLIENT
Early Strauss	Mark Bibro	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca Jr.	IMO Industries
Caruso Smith Picini	Joyce Min	CertainTeed; Union Carbide
Connell Foley	Scott Press	PSE&G
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Harris Beach	Allison Semaya	Progress Lighting Inc.
Hoagland Longo	Anita Cohen	Goulds Pumps
Kelley Jasons	Angela Caliendo	Square D
Locke Lord	Eric Alvarez	Alcatel-Lucent
Marshall Dennehey	Jessica Wachstein	Warren Pumps; Riley Power; Bostick
McElroy Deutsch	Andrew F. Bain	Allen Bradley; Eaton Corp.
McGivney Kluger	Thomas McNulty	Graybar
O'Brien Firm	Brian P. Lawlor	ABB Inc.
O'Toole Fernandez	Gary Van Lieu	Consolidated Electrical
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Trane
Rawle & Henderson	David Samlin	Billows Electric Supply Co.; American Biltrite Inc.
Reilly Janiczek	Maura Murphy	Gould Electronics
Sedgwick Detert	Bridget Polloway	CBS/Westinghouse; Foster Wheeler; Wesco; General Electric
Segal McCambridge	Dinesh Dadlani	Cooper Electric Supply
Wilbraham Lawler	Elizabeth deBerardinis	Maremont; Siemens
Wilson Elser	Eric Evans	Conwed

IT IS on this 28th day of May, 2015, 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

- June 8, 2015 Defendants shall serve answers to standard interrogatories by this date.
- June 22, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 24, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 22, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 24, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 2015 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.
- August 31, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- June 5, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.
- October 20, 2015 @ 1:30pm Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

- August 28, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 11, 2015 Summary judgment motions shall be filed no later than this date.
- October 9, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

- August 31, 2015 Plaintiff shall serve medical expert reports by this date.
- November 30, 2015 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

- October 30, 2015 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.
- November 30, 2015 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

- October 30, 2015 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.
- November 30, 2015 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

- December 18, 2015 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

- December 15, 2015 @ 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.
- 10 business days prior to trial Pretrial Information Exchange Form.
- January 11, 2016 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
Brody Deposition Services
Priority One