

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

**Docket No:** L-2077-15 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER V**

ESTATE of MARY HUGO, (John J. Ragan, Executor),  vs.  BORG WARNER MORSE TEC, et al	<i>Plaintiff(s),</i>     <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 June 23, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Caruso Smith Picini	Marcia DePolo	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Herzfeld & Rubin	Michael B. Sena	Volkswagen Group of America, Inc.
Kaufman Borgeest	Jeffrey Gorenstein	Morton International
Landman Corsi	Vincent Mehnert	Federal Mogul
LeClair Ryan	John Soltesz	Ford
O'Toole Fernandez	Gary Van Lieu	Dana
Pascarella DiVita	Bradley Bishop	Ingersoll Rand; Crane
Sedgwick LLP	Cynthia Cho	Borg Warner; ExxonMobil Corp.
Wilbraham Lawler	Michelle Kirsch	Kelsey-Hayes Co.

IT IS on this 1<sup>st</sup> day of **July, 2016**, 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**

- October 3, 2016 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.
- October 31, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 7, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

November 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 8, 2016 Summary judgment motions shall be filed no later than this date.

December 6, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

August 31, 2016 Plaintiff shall serve medical expert reports by this date.

January 20, 2017 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**

November 30, 2016 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.

January 20, 2017 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.

### **EXPERT DEPOSITIONS**

February 10, 2017 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**

January 11, 2017 @ 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.

February 15, 2017 @ 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.

March 13, 2017

Trial Date. (*The February 6, 2017 trial is adjourned to this 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