

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

Docket No: L-2077-15 (AS)

Civil Action

CASE MANAGEMENT ORDER IX

ESTATE of MARY HUGO, (John J. Ragan, Executor), <i>Plaintiff(s),</i> vs. BORG WARNER 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 October 25, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith Picini	Lisa Massimi	Union Carbide
Gibbons PC	Robert Brown	Honeywell International Inc.
Herzfeld & Rubin	Nadine Kohane	Volkswagen Group of America, Inc.
Kaufman Borgeest	Neepa Patel	Morton International
Landman Corsi	Jessica Seiden	Federal Mogul
LeClair Ryan	Gary M. Sapir	Ford
O'Toole Scrivo	Joshua Lichtenstein	Dana
Pascarella DiVita	Inge R. Cully	Ingersoll Rand; Crane
Tanenbaum Keale	Christopher Keale	ExxonMobil; Borg Warner
Wilbraham Lawler	Tristin Fabro	Kelsey-Hayes Co.

IT IS on this 25th day of **October, 2017**, *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

January 31, 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.

February 28, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

March 2, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

March 30, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 13, 2018 Summary judgment motions shall be filed no later than this date.

May 11, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

April 2, 2018 Plaintiff shall serve medical expert reports by this date.

June 11, 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

April 2, 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.

June 11, 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.

EXPERT DEPOSITIONS

July 13, 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

March 27, 2018 The settlement conference previously scheduled on this date is **cancelled**.

July 13, 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.

August 6, 2018 Trial Date. (*The May 7, 2018 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