

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

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

**Civil Action**

**CASE MANAGEMENT ORDER XIII**

ESTATE of MARY HUGO, (John J. Ragan, Executor),  <i>Plaintiff(s),</i>  vs. BORG WARNER MORSE TEC, et al  <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 February 26, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Caruso Smith Picini	Lisa Massimi	Union Carbide
Gibbons PC	Daniel Dorfman	Honeywell International Inc.
Kaufman Borgeest	Neepa Patel	Morton International
LeClair Ryan	Gary M. Sapir	Ford
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Crane
Tanenbaum Keale	Pamela R. Kaplan	ExxonMobil; Borg Warner
Wilbraham Lawler	Josette F. Spivak	Kelsey-Hayes Co.

IT IS on this 4<sup>th</sup> day of **March, 2019**, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

May 15, 2019          Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

September 13, 2019      Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

June 28, 2019          Plaintiff shall serve medical expert reports by this date.

November 1, 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**

June 28, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

November 1, 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 19, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 2, 2019 Summary judgment motions shall be filed no later than this date.

August 30, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

December 13, 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**

May 14, 2019 The settlement conference previously scheduled on this date is **cancelled**.

To be scheduled Settlement conference.

January 13, 2020 Trial Date. (*The June 17, 2019 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