

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VII**

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 January 11 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith Picini	Richard Picini	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Herzfeld & Rubin	Nadine Kohane	Volkswagen Group of America, Inc.
Kaufman Borgeest	Christopher Warren	Morton International
Landman Corsi	Charles Mondora	Federal Mogul
LeClair Ryan	John A. Soltesz III	Ford
O'Toole Fernandez	Gary Van Lieu	Dana
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Crane
Wilbraham Lawler	Matthew Jones	Kelsey-Hayes Co.

IT IS on this 12<sup>th</sup> - day of **January, 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**

- |               |   |
|---------------|---|
| May 15, 2017  | 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. |
| June 15, 2017 | Depositions of corporate representatives shall be completed by this date.   |

### EARLY SETTLEMENT

June 16, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### SUMMARY JUDGMENT MOTION PRACTICE

June 16, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 7, 2017 Summary judgment motions shall be filed no later than this date.

August 4, 2017 Last return date for summary judgment motions.

### MEDICAL DEFENSE

August 15, 2017 Plaintiff shall serve medical expert reports by this date.

October 16, 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

August 15, 2017 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.

October 16, 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

November 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

May 19, 2017 The settlement conference previously scheduled on this date is **cancelled**.

November 9, 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.

December 11, 2017

Trial Date. (*The June 19, 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