

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

**Docket No: L-7308-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

DENNIS & DEBBIE JACKSON, <i>Plaintiff(s),</i>
vs.
BORG WARNER, 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 April 7, 2015:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Michelle Murtha	Plaintiff(s)
Baginski Mezzanotte	Patti Lyons	Viking Pump
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hoagland Longo	Steven F. Satz	Goulds Pumps
LeClair Ryan	Brian P. Mathews	Ford
Marshall Dennehey	Rachael Von Rhine	Riley Power Corp.
McElroy Deutsch	Gabriel Ferstendig	Flowserve US Inc.; Pfizer
Pascarella DiVita	Brad Bishop	Crane Co.
Reilly Janiczek	Colleen Cavanaugh	ITT
Sedgwick LLP	Maryam Meseha	CBS/Westinghouse; Borg Warner

IT IS on this 9<sup>th</sup> day of April, 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**

- |                |  |
|----------------|--|
| April 17, 2015 | Defendants shall serve answers to standard interrogatories by this date.                           |
| May 1, 2015    | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| June 1, 2015   | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |

- May 1, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- June 1, 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**

- September 11, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- September 25, 2015 Summary judgment motions shall be filed no later than this date.
- October 23, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- September 25, 2015 Plaintiff shall serve medical expert reports by this date.
- September 25, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 25, 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**

- September 25, 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 25, 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**

- September 25, 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 25, 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 20, 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 11, 2015 @ 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.

January 11, 2016 Trial 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