

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

**Docket No: L-3793-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

DIANE KLEMM (Estate of David Klemm),  vs.  BORG WARNER CORP., 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 March 1, 2016:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Jennifer Ruhl	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.; National Auto Parts Assoc.; Quaker City Motor Parts
Eckert Seamans	Jill Cohen	Navistar
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hoagland Longo	Jillian Madison	Goulds Pumps
Landman Corsi	Jorkeell Echevaria	Lincoln Electric Co.
LeClair Ryan	John Soltesz	Ford
McElroy Deutsch	Joseph D. Rasnek	Rockwell
McElroy Deutsch	Andrew Bain	Eaton
O'Toole Fernandez	Gary Van Lieu	Dana
Oller Luzzi Breslin	John Breslin	Sussex County Plumbing
Pascarella DiVita	Madelyn Iulo	Ingersoll Rand; Trane US; Crane Co.
Reilly Janiczek	Matthew Franson	New Holland North America, Inc.; incorrectly sued as CNH Industrial America f/k/a New Holland North America, Inc.
Sedgwick LLP	David Blow	Borg Warner

IT IS on this 2<sup>nd</sup> day of March, 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.

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 1, 2016 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- April 1, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- May 13, 2016 Defendants shall serve answers to standard interrogatories by this date.
- May 27, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 1, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 27, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 1, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 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.
- September 30, 2016 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- October 21, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- October 21, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 4, 2016 Summary judgment motions shall be filed no later than this date.
- December 2, 2016 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- April 1, 2016 Defendants shall forward medical authorizations to plaintiff's counsel by this date.
- April 29, 2016 Plaintiff shall serve executed medical authorizations by this date.
- April 1, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- October 3, 2016 Plaintiff shall serve medical expert reports by this date.
- January 27, 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**

- January 13, 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.
- February 17, 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.

### **ECONOMIST EXPERT REPORTS**

- January 13, 2017 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.
- February 17, 2017 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**

- March 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**

- March 7, 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.
- April 3, 2017 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