

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

Docket No: L-3793-15 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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 November 9, 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
Caruso Smith	Marcia DePolo	CertainTeed
Eckert Seamans	Stephanie Coleman	Navistar; CNH Industrial America LLC
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hardin Kundla	Cynthia Lee	Deere & Co.
Landman Corsi	Charles Mondora	Lincoln Electric Co.
Leader & Berkon	Christine Bucca	IMO Industries
LeClair Ryan	John A. Soltesz, III	Ford
McElroy Deutsch	Joseph D. Rasnek	Rockwell
McElroy Deutsch	Andrew Bain	Eaton
O'Toole Fernandez	Gary Van Lieu	Dana
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Trane US; Crane Co.
Reilly Janiczek	Ryan Notarangelo	New Holland North America, Inc.; incorrectly sued as CNH Industrial America f/k/a New Holland North America, Inc.
Sedgwick LLP	Kelly Belnick	Borg Warner

IT IS on this 10th day of November, 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.

DISCOVERY

December 9, 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.

December 9, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.

December 30, 2016 Defendants shall serve answers to standard interrogatories by this date.

January 17, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.

February 21, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

January 17, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.

February 21, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 21, 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.

April 21, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 28, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

May 31, 2017 Plaintiff shall serve medical expert reports by this date.

July 31, 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

May 31, 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.

July 31, 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

May 31, 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.

July 31, 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

August 25, 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 The settlement conference previously scheduled on this date is **cancelled**.

August 16, 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.

September 25, 2017 Trial Date. *(The April 3, 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