

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

	<u>LOCAL 14</u>
McGEE, James	L-5157-16
McGEE, Joseph	L-5317-16

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 14, 2016:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Pettit Law Office	James Pettit	Plaintiff(s)
McElroy Deutsch	Joseph D. Rasnek	ExxonMobil Corp.
Swartz Campbell	Walter McDonough	Sunoco, Inc.
Wilson Elser	Joseph Hanlon	Chevron; Texaco

IT IS on this 15<sup>th</sup> day of **December, 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.

These matters are hereby consolidated for discovery, case management and trial.

**DISCOVERY**

- |                  |  |
|------------------|--|
| March 3, 2017    | Plaintiff shall serve answers to wrongful death interrogatories by this date.                      |
| February 3, 2017 | Defendants shall serve answers to standard interrogatories by this date.                           |
| January 31, 2017 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| March 17, 2017   | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| January 31, 2017 | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| March 3, 2017    | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

July 31, 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.

August 31, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 29, 2017 Summary judgment motions shall be filed no later than this date.

October 27, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

January 31, 2017 Defendants shall request executed medical authorizations from plaintiff's counsel by this date.

February 28, 2017 Plaintiff shall serve executed medical authorizations by this date.

January 16, 2018 Plaintiff shall serve medical expert reports by this date.

March 16, 2018 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 16, 2018 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.

March 16, 2018 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**

April 6, 2018 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 22, 2018 @ 1:30pm 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 30, 2018

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