

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

Docket No: L-4661-19 (AS)

Civil Action

CASE MANAGEMENT ORDER I

KAREN & CHARLES MACKE, <i>Plaintiff(s),</i>
vs.
BORGWARNER MORSE TEC LLC, 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 August 23, 2019:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	James Kramer	Plaintiff(s)
Margolis Edelstein	Nicholas Sulpizio	John Crane Inc.
Maron Marvel	Lina C. Flanigan	Industrial Holding Corp.
McCarter & English	Debra M. Perry	Hercules; Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Caitlin Bodtmann	Whitakker Clark & Daniels
Pascarella DiVita	Bradley E. Bishop	Trane US Inc.; Crane Co.
Rawle & Henderson	Brian Lowenberg	Cyprus Amax Minerals Co.
Tanenbaum Keale	Joseph D. Fanning	Borg Warner

IT IS on this 26th day of August 2019, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

September 13, 2019 Plaintiff shall serve answers to standard interrogatories by this date.

September 27, 2019 Defendants shall serve answers to standard interrogatories by this date.

October 11, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.

November 11, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

October 11, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

November 11, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

December 16, 2019 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.

January 13, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

February 14, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

September 13, 2019 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

December 31, 2019 Plaintiff shall serve medical expert reports by this date.

December 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 14, 2020 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

December 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

February 14, 2020 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.

SUMMARY JUDGMENT MOTION PRACTICE

February 14, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 28, 2020 Summary judgment motions shall be filed no later than this date.

March 27, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

December 31, 2019 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 14, 2020 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 9, 2020 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 6, 2020 @ 10:00am Settlement / Status conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

April 6, 2020 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