

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

JOHN MILLER,

Plaintiff(s),

vs.

AW CHESTERTON CO., et al

Defendant(s).

Docket No: L-1173-12 (AS)

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 22, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Motley Rice	Vincent Greene	Plaintiff(s)
Braaten & Pascarella	Nicole Diesa	Trane US, Inc.; Ingersoll-Rand
Budd Larner	Katherine Potter	Ericsson, Inc.
Caruso Smith	Marcia DePolo	Amchem; Union Carbide
Drinker Biddle	Vincent Montalto	Neles-Jamesbury, Inc.
Epstein Cohen Gilberti	Sandra Cohen	Crane
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	Steven Satz	Goulds Pumps; Borg Warner
Kantrowitz & Phillippi	Maribeth B. Wechsler	Lear Siegler
Kelley Jasons	Angela Caliendo	Carver Pump
Lynch Daskal Emery	Mark Wasef	Georgia Pacific
Margolis Edelstein	Ashley Mollenthel	Goodrich; John Crane
Marks O'Neill	Matthew A. Wachstein	Superior Boiler Works
Maron Marvel	Meryl Topchik	Industrial Holdings Corp.
Marshall Dennehey	Helen Griff Chalier	Cashco, Inc.
Marshall Dennehey	Lisa Only	Riley Power, Inc.
McCarter & English	Mitchell Kurtz	Automatic Switch
McElroy Deutsch	Michelle Hydrusko	Flowserve
McGivney Kluger	Joel Clark	Core Ind.; Nash; Weil McLain; Zurn; Watts; Gorman Rupp
McGivney Kluger	Michael Lazarus	Gardner Denver; Durioron; DC Fabricators; Oakfabco
O'Toole Fernandez	Michael Garcia	Clark Reliance; Dana; Utica Boilers
Rawle & Henderson	Meredith Mack	Mack Trucks
Reilly Janiczek	Thomas Grady	Aurora; Cleaver; Elliott; Crown Boiler; George V. Hamilton; Eaton; Cornell
Salmon Ricchezza	Michael C. Gallagher	Beazer East
Segal McCambridge	Ted Eder	Alfa Laval Inc.; BW/IP Inc.

Smith Abbot	Mark Debrowski	Pneumo Abex
Speziali Greenwald	Michael Quinn	General Electric; CBS; Foster Wheeler
Vasios Kelley	Thomas J. Kelly Jr.	Armstrong International Inc.
Wilbraham Lawler	Tonya M. Harris	Maremont; Greene Tweed; Buffalo Pumps
Wilson Elser	Joseph A. Gallo	Warren Pumps

IT IS on this 25th day of **June, 2012** *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 plaintiffs' 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

- July 20, 2012 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.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.
- August 3, 2012 Defendants shall serve answers to standard interrogatories by this date.
- August 17, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 14, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- August 17, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.
- September 14, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 16, 2012 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
- December 14, 2012 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.
- December 14, 2012 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 28, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 25, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

February 22, 2013 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

July 20, 2012 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

August 3, 2012 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

December 28, 2012 Plaintiff shall serve additional medical expert reports by this date.

January 31, 2013 The defense medical examination of plaintiff(s) shall be completed by this date.

March 22, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

March 22, 2013 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.

April 19, 2013 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

March 22, 2013 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.

April 19, 2013 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

May 3, 2013 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

April 3, 2013 @ 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.

May 13, 2013 Trial Date.

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ann G. McCormick
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort
 Brody Deposition Services
 Priority One