

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

**Docket No: L-5243-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

ERNEST MOORE,	<i>Plaintiff(s),</i>
vs.	
ARVINMERITOR INC., 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 October 18, 2016:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Napoli Shkolnik	Kardon Stolzman	Plaintiff(s)
Caruso Smith	Marcia DePolo	Union Carbide
Gibbons	Mark R. Galdieri	Honeywell Int'l. Inc.
Kent McBride	Francine Dimter	Charles Wagner
LeClair Ryan	John Soltesz	Ford
Lynch Daskal	Alexander Ober	Georgia Pacific
McElroy Deutsch	Andrew F. Bain	Arvinmeritor
Pascarella DiVita	Cory Simmons-Edler	Trane
Sedgwick	Afigo Fadahunsi	Borg Warner

IT IS on this 20<sup>th</sup> day of **October, 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**

- October 31, 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. A
- November 11, 2016 Defendants shall serve answers to standard interrogatories by this date.
- November 18, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- December 26, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 2017 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.

March 3, 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.

March 3, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 17, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 17, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 31, 2017 Summary judgment motions shall be filed no later than this date.

April 28, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 31, 2016 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

October 31, 2016 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

February 28, 2017 Plaintiff shall serve medical expert reports by this date.

February 28, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 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 7, 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 7, 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**

July 28, 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**

December 7, 2016                    The settlement conference previously scheduled on this date is **cancelled**.

July 20, 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.

10 business days prior to trial                    Pretrial Information Exchange Form due.

August 21, 2017                    **Trial-Ready** Date. (*The January 9, 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