

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

**Docket No:** L-6684-11 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

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|---|
| ESTATE OF VIRGINIA MULLEN,<br><br><i>Plaintiff(s),</i><br><br>vs.<br><br>ALCATEL LUCENT USA INC., et al<br><br><i>Defendant(s).</i> |
|---|

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on July 17, 2012 and the following firms appearing:

| FIRM                    | ATTORNEY          | CLIENT   |
|-------------------------|-------------------|--|
| Cohen Placitella & Roth | Rachel Placitella | Plaintiff(s)                                       |
| Edwards Wildman         | Thomas Verrastro  | Alcatel Lucent USA, Inc.                           |
| Montgomery McCracken    | Melanie Leney     | Atlantic City Electric                             |
| Speziali Greenwald      | Joanne Hawkins    | General Electric; CBS/Westinghouse; Foster Wheeler |

IT IS on this 18<sup>th</sup> day of July, 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**

- August 17, 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 17, 2012      Plaintiff shall serve answers to wrongful death interrogatories by this date.
- August 31, 2012      Defendants shall serve answers to standard interrogatories by this date.
- September 14, 2012      Plaintiff shall propound supplemental interrogatories and document requests by this date.

October 12, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

September 14, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.

October 12, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

December 7, 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.

January 7, 2013 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

January 15, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

February 8, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

March 8, 2013 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

August 17, 2012 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

August 17, 2012 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

August 31, 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.

January 15, 2013 Plaintiff shall serve additional medical expert reports by this date.

January 15, 2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 8, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

March 8, 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 5, 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.

**EXPERT DEPOSITIONS**

April 19, 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 11, 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 20, 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