

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

Docket No: L-5314-16 (AS)

Civil Action

CASE MANAGEMENT ORDER I

KAREN O'NEILL (Estate of William O'Neill), <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 *January 19, 2017*:

FIRM	ATTORNEY	CLIENT
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Budd Lerner	Terence Camp	Goodyear Tire & Rubber Co.
Caruso Smith	Alexandra Caruso	Union Carbide; CertainTeed
Delany McBride	Ariana Seidel	Peerless Industries
Gibbons PC	Ahmed Kassim	Honeywell
Kent McBride	Robert Florke	ECR; Utica Boilers
Lynch Daskal	Alexander Broche	Georgia Pacific
Marshall Dennehey	Paul Johnson	Warren Pumps
McElroy Deutsch	Joseph D. Rasnek	Pfizer
McGivney Kluger	Thomas McNulty	Weil McLain; Cummins, Inc.
Reilly Janiczek	Zachary Green	Crown Boiler
Sedgwick LLP	Afigo Fadahunsi	Borg Warner
Styliades Mezzanotte	Patricia Lyons	Viking Pump

IT IS on this 20th day of **January, 2017**, *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.

DISCOVERY

February 3, 2017

Defendants shall propound supplemental interrogatories and document requests by this date.

February 28, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 28, 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.

EARLY SETTLEMENT

April 28, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

September 15, 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

July 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.

September 15, 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.

EXPERT DEPOSITIONS

October 13, 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

October 25, 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.

November 13, 2017

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