

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

ANGEL & MATILDA PADRO,  <div style="text-align: right;"><i>Plaintiff(s),</i></div> vs.
ARVINMERITOR INC., et al  <div style="text-align: right;"><i>Defendant(s).</i></div>

**Docket No:** L-7547-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 18, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.; National Automotive Parts Assoc.
Caruso Smith	Alexandra Caruso	Union Carbide
Duane Morris	Dawnn E. Briddell	Raymond Corp.
Gibbons	Ethan Stein	Honeywell International
Gibbons	Jonathan Woy	JAM, Ind.
Goldberg Segalla	Jillian Madison	Hyster-Yale; Navistar; Cushman
Gordon & Rees	Keith Murphy	Toledo Engineering; Otis Elevator
Harwood Lloyd	Victoria Silva	Carlisle
Hawkins Parnell	Roy Viola	Pneumo Abex; Paccar; Bridgestone Americas Tire
K&L Gates	Adam Husik	Ford Motor Co.
Kelley Jasons	Angela Caliendo	Inductotherm Corp.
Lavin O'Neil	Elizabeth Jones	Daimler Trucks NA
Marks O'Neill	Paul Smyth	Corning Incorporated; County Insulation; Caterpillar
Marshall Dennehey	Doug Suplee	Emgart Glass Mfg. Inc.
McElroy Deutsch	Nancy McDonald	Lipe Automation
McGivney Kluger	Trish Wilson	Linde Material Handling; Ajax Magnethermic Corp.; Brand Insulations; Sheldon Drullard
O'Toole Scrivo	Franklin Paez	DCo f/k/a Dana Companies; BWDAC Inc.
Porzio Bromberg	Tanya Y. Shah	Toyota Material Handling USA, Inc.
Rawle & Henderson	Samuel Garson	Mack Trucks; Volvo Group North America
Reilly McDevitt	Karen Stanzione Conte	Lindberg; Cleaver Brooks; Arvinmeritor; Delval Equipment; Maremont Corp.
Tanenbaum Keale	Nicole Nielson-Pachkofsky	Borg Warner
Wilbraham Lawler	Mark Skinner	Clark Equipment

IT IS on this 27<sup>th</sup> day of **September 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**

- |                   |   |
|-------------------|---|
| October 18, 2019  | Plaintiff shall serve answers to wrongful death interrogatories by this date.   |
| October 4, 2019   | Plaintiff shall propound supplemental interrogatories and document requests by this date.   |
| November 8, 2019  | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| October 4, 2019   | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| November 8, 2019  | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| January 17, 2020  | 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. |
| February 21, 2020 | Depositions of corporate representatives shall be completed by this date.   |

### **EARLY SETTLEMENT**

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|----------------|--|
| August 7, 2020 | Settlement demands shall be served on all counsel and the Special Master by this date. |
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### **MEDICAL EXPERT REPORT**

- |                    |  |
|--------------------|--|
| May 22, 2020       | Plaintiff shall serve medical expert reports by this date.   |
| May 22, 2020       | Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.   |
| September 11, 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**

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|--------------|--|
| May 22, 2020 | Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony. |
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September 11, 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**

June 12, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 26, 2020 Summary judgment motions shall be filed no later than this date.

July 24, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

May 22, 2020 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.

September 11, 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**

October 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**

October 14, 2020 @ 1:30pm Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

November 16, 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