

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

**Docket No: L626-14- (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

LESLIE SHOHET-BENEDICT,  <i>Plaintiff(s),</i>  vs.  ADVANCE AUTO PARTS INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 10, 2014:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Konigsberg	Leah Kagan	Plaintiff(s)
Breuninger & Fellman	Kathleen Ramalho	National Automotive Parts Association
Caruso Smith	Lisa Massimi	Union Carbide
Gibbons PC	Ahmed Kassim	Honeywell
Greenbaum Rowe	Thomas Murphy	American Honda Motor Co., Inc.
Hawkins Parnell	Roy Viola	Abex
Hoagland Longo	Kristi Luzzetti	Borg Warner
LeClair Ryan	Michael Goldkang	Ford
Lynch Daskal	Cynthia Cho	Georgia Pacific
McCarter & English	Jean Patterson	Carquest Corp.
O'Toole Fernandez	Leslie Lombardy	Dana Companies, LLC
Porzio Bromberg	Diane Averell	BMW of North America
Wilbraham Lawler	Andrea Sasso Greco	Advance Auto

IT IS on this 14<sup>th</sup> day of April, 2014 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**

- April 30, 2014 Defendants shall serve answers to standard interrogatories by this date.
- May 9, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 9, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 9, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.
- June 9, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 2014 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.
- July 18, 2014 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- July 31, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- August 8, 2014 Summary judgment motions shall be filed no later than this date.
- September 5, 2014 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- April 30, 2014 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.
- May 16, 2014 Plaintiff shall serve medical expert reports by this date.
- May 16, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 15, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

August 15, 2014 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, 2014 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**

August 15, 2014 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 15, 2014 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**

September 30, 2014 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**

September 17, 2014 @ 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. 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.

October 14, 2014 (*Tuesday*) 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  
Brody Deposition Services  
Priority One