

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

**Docket No: L-3965-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

|   |  |
|---|--|
| STEPHEN SIMON,<br><br>vs.<br><br>AUTOZONE NORTHEAST INC., et al | <i>Plaintiff(s),</i><br><br><br><i>Defendant(s).</i> |
|---|--|

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 12, 2015:

| <b>FIRM</b>       | <b>ATTORNEY</b>         | <b>CLIENT</b>                    |
|-------------------|-------------------------|----------------------------------|
| Levy Konigsberg   | Joseph J. Mandia        | Plaintiff(s)                     |
| Clemente Mueller  | Jessie Christine Basner | William Powell Co.               |
| Gibbons           | Ethan Stein             | Honeywell                        |
| Hoagland Longo    | Steven F. Satz          | Goulds Pumps; Jonston Boiler     |
| Kelley Jasons     | Joseph Vassalotti       | Sterling Fluid; Nibco            |
| Mayfield Turner   | Andrew Keith            | Carrier Corp.                    |
| McElroy Deutsch   | Gabriel Ferstendig      | Burnham LLC                      |
| McGivney Kluger   | Thomas McNulty          | Weil McLain                      |
| O'Toole Fernandez | Gary Van Lieu           | Peerless                         |
| Pascarella DiVita | Brad Bishop             | Ingersoll Rand; Trane; Crane Co. |
| Reilly Janiczek   | Karen Conte             | Cleaver Brooks                   |
| Wilbraham Lawler  | John A. Fitzpatrick     | Cummins                          |

IT IS on this 14<sup>th</sup> day of **August, 2015**, *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**

- August 21, 2015      Defendants shall serve answers to standard interrogatories by this date.
- August 28, 2015      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 30, 2015      Defendants shall serve answers to supplemental interrogatories and document requests by this date.

- August 28, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- September 30, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 30, 2015 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.
- November 16, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- November 23, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- November 27, 2015 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- December 11, 2015 Summary judgment motions shall be filed no later than this date.
- January 8, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- October 30, 2015 Plaintiff shall serve medical expert reports by this date.
- October 30, 2015 **Upon request by defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 29, 2016 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**

- October 30, 2015 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.
- January 29, 2016 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**

- October 30, 2015 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.
- January 29, 2016 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**

February 19, 2016      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**

February 26, 2016 @ 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.

March 21, 2016      Trial-Ready 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