

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

STEPHEN SIMON,  <i>Plaintiff(s),</i>  vs.  AUTOZONE NORTHEAST 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 *February 1, 2016*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Konigsberg	Erica Cesaro	Plaintiff(s)
Caruso Smith	Marcia DePolo	Union Carbide
Clemente Mueller	Jessie Christine Basner	William Powell Co.
Gibbons	Mark R. Gladieri	Honeywell
Hoagland Longo	Steven F. Satz	Goulds Pumps; Jonston Boiler
Kelley Jasons	Robert T. Connor	Sterling Fluid; Nibco
Mayfield Turner	Jacob Crockett	Carrier Corp.
McElroy Deutsch	Jack McGuire	Burnham LLC
McGivney Kluger	Thomas McNulty	Weil McLain
Leader & Berkon	Joseph Fontak	SPX Corp.; Copes Vulcan
O'Toole Fernandez	Michael Garcia	Peerless
Pascarella DiVita	Charles P. Savoth, III	Ingersoll Rand; Trane; Crane Co.
Reilly Janiczek	Catherine Kiernan	Cleaver Brooks
Wilbraham Lawler	Tristin Fabro	Cummins

IT IS on this 2<sup>nd</sup> day of **February, 2016**, *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.

**DISCOVERY**

- April 29, 2016            Plaintiff shall serve answers to wrongful death interrogatories by this date.
- April 29, 2016            Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 29, 2016            Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 10, 2016 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 11, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

July 22, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 5, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 19, 2016 Summary judgment motions shall be filed no later than this date.

September 16, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

August 31, 2016 Plaintiff shall serve medical expert reports by this date.

August 31, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 31, 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**

August 31, 2016 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.

October 31, 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.

### **EXPERT DEPOSITIONS**

November 18, 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**

August 2, 2016 The settlement conference previously scheduled on this date is **cancelled**.

November 17, 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.

December 12, 2016 Trial Date. (*The August 29, 2016 trial is adjourned to this 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