

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

Docket No: L-993-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

ESTATE of KENNETH SIMON, <i>Plaintiff(s),</i>
vs.
CLARK MATERIAL HANDLING CORP., 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 May 2, 2018:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Melanie Garner	Plaintiff(s)
Breuninger Fellman	Raymond Chow	National Automotive Parts Association
Caruso Smith	Nicholas Albano, III	CertainTeed
Duane Morris LLP	Dawn E. Briddell	The Raymond Corp.
Gibbons PC	Daniel Dorfman	Honeywell
Goldberg Segalla	H. Lockwood Miller	Hyster-Yale
Goodell Devries	Malcolm Brisker	Crown Equipment Corp.
Kelley Jasons	Angela Caliendo	Rexnord Corp.
LeClair Ryan	Gary M. Sapir	Ford Motor Co.
Marks O'Neill	Mike Slivjak	Caterpillar
Maron Marvel	Onofrio deGennaro	Terex Corp.
Marshall Dennehey	Paul Johnson	Pep Boys
O'Toole Scrivo	Gary Van Liew	Unex Mfg.; Barclay Brand Corp.
Porzio Bromberg	Tanya Y. Shah	Toyota Material Handling USA
Wilbraham Lawler	Lynn E. Roberts, III	Leeson Electric Corp.

IT IS on this 3rd day of May, 2018, *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

- July 31, 2018 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 31, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

August 31, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 31, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 14, 2018 Summary judgment motions shall be filed no later than this date.

October 12, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

May 31, 2018 Plaintiff shall serve executed medical authorizations by this date.

August 17, 2018 Plaintiff shall serve medical expert reports by this date.

August 17, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 30, 2018 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, 2018 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.

November 30, 2018 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 31, 2018 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.

November 30, 2018 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

December 21, 2018 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

June 26, 2018 The settlement conference previously scheduled on this date is **cancelled**.

September 12, 2018 The settlement conference previously scheduled on this date is **cancelled**.

December 14, 2018 @ 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.

January 14, 2019 Trial Date. (*The October 9, 2018 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