

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

Docket No: L-993-16 (AS)

Civil Action

CASE MANAGEMENT ORDER III

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 September 18, 2018:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Alfred Anthony	Plaintiff(s)
Breuninger Fellman	Kathleen Ramalho	National Automotive Parts Association
Caruso Smith	Thomas M. Rogers	CertainTeed
Duane Morris LLP	Dawn Briddell	The Raymond Corp.
Gibbons PC	Ethan Stein	Honeywell
Goldberg Segalla	David Rutkowski	Hyster-Yale
Goodell Devries	Malcolm Brisker	Crown Equipment Corp.
Hawkins Parnell	Roy Viola	Baldor Electric
Hoagland Longo	Ibrahim Kosoko	Thul Auto Parts
Kelley Jasons	Angela Caliendo	Rexnord Corp.; FMC Corp.
LeClair Ryan	Gary M. Sapir	Ford Motor Co.
Marks O'Neill	Paul Smyth	Caterpillar
Marshall Dennehey	Paul Johnson	Pep Boys
O'Toole Scrivo	Gary Van Lieu	Unex Mfg.; Barclay Brand Corp.
Porzio Bromberg	Michelle Burke	Toyota Material Handling USA
Wilbraham Lawler	Lynn E. Roberts, III	Clark Equipment; Leeson Electric Corp.

IT IS on this 18th day of **September, 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

December 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.

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

EARLY SETTLEMENT

March 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

March 15, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 29, 2019 Summary judgment motions shall be filed no later than this date.

April 26, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

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

February 28, 2019 Plaintiff shall serve medical expert reports by this date.

February 28, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 28, 2019 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

February 28, 2019 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.

June 28, 2019 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

February 28, 2019 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.

June 28, 2019 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

July 29, 2019 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

December 14, 2018

The settlement conference previously scheduled on this date is **cancelled**.

July 18, 2019 @ 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.

August 26, 2019

Trial Date. (*The January 14, 2019 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