

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

**Docket No:** L-993-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER VI**

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 30, 2019:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Alfred Anthony	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	National Automotive Parts Assoc.
Caruso Smith	Alexandra Caruso	CertainTeed
Duane Morris LLP	Dawnn Briddell	The Raymond Corp.
Gibbons PC	Robert Brown	Honeywell Int'l.
Goldberg Segalla	H. Lockwood Miller	Hyster-Yale
Hoagland Longo	Amie Kalac	Thul Auto Parts
LeClair Ryan	Gary M. Sapir	Ford Motor Co.
Kelley Jasons	Angela Caliendo	Rexnord Corp.
Lewis Brisbois	Kathleen Trabold	Baldor Electric
Marks O'Neill	Paul Smyth	Caterpillar
Marshall Dennehey	Jeremy Zacharias	Pep Boys
Porzio Bromberg	Michelle Burke	Toyota Material Handling USA
Wilbraham Lawler	Lynn Roberts	Clark Equipment; Leeson Electric Corp.

IT IS on this 31<sup>st</sup> day of May 2019, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

## **DISCOVERY**

- July 31, 2019 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.
- August 30, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- October 11, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- September 30, 2019 Plaintiff shall serve medical expert reports by this date.
- September 30, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 10, 2020 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**

- September 30, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- January 10, 2020 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.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 25, 2019 Summary judgment motions shall be filed no later than this date.
- November 22, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

- September 30, 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.
- January 10, 2020 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 7, 2020 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**

October 30, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

January 23, 2020 @ 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.

March 9, 2020                        Trial Date. (*The December 2, 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