

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

Docket No: L-993-16 (AS)

Civil Action

CASE MANAGEMENT ORDER VIII

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 January 8, 2020:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Alfred Anthony Jennifer Emmons	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	National Automotive Parts Assoc.
Caruso Smith	Thomas M. Rogers	CertainTeed
Duane Morris LLP	Dawnn E. Briddell	The Raymond Corp.
Gibbons PC	Daniel Dorfman	Honeywell Int'l.
Goldberg Segalla	Jessica Saad	Hyster-Yale
Hoagland Longo	Daniel Kuszmerski	Thul Auto Parts
K&L Gates	Gary M. Sapir	Ford Motor Co.
Kelley Jasons	Angela Caliendo	Rexnord Corp.
Marks O'Neill	Paul Smyth	Caterpillar Inc.; Caterpillar Industrial Inc.
Marshall Dennehey	Doug Suplee	Pep Boys
Porzio Bromberg	Michelle Burke	Toyota Material Handling USA
Wilbraham Lawler	Josette Spivak	Clark Equipment; Leeson Electric Corp.

IT IS on this 8th day of January 2020, 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

- April 15, 2020 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.
- April 15, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- June 12, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

- June 1, 2020 Plaintiff shall serve medical expert reports by this date.
- June 1, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 14, 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

- June 1, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- September 14, 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

- June 12, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 26, 2020 Summary judgment motions shall be filed no later than this date.
- July 24, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- June 1, 2020 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.
- September 14, 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

- October 9, 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

May 12, 2020 The settlement conference previously scheduled on this date is **cancelled**.

October 8, 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.

November 9, 2020 Trial Date. (*The July 20, 2020 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