

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

**Docket No: L-7697-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

BRENDA STADELMAIER (Estate of John Simmons),  vs.  BORG WARNER MORSE TEC INC., et al	<i>Plaintiff(s),</i>     <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 January 12, 2017:

FIRM	ATTORNEY	CLIENT
Napoli Shkolnik	Kardon Stolzman	Plaintiff(s)
Kent McBride	Theresa Mullaney	Charles Wagner
Margolis Edelstein	Lawrence Bunis	John Crane
McGivney Kluger	Joel Clark	DAP

IT IS on this 17<sup>th</sup> day of January, 2017, 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**

- March 17, 2017      Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- March 17, 2017      Plaintiff shall serve answers to wrongful death interrogatories by this date.
- March 31, 2017      Defendants shall serve answers to standard interrogatories by this date.
- April 14, 2017      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 19, 2017      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 14, 2017      Defendants shall propound supplemental interrogatories and document requests by this date.
- May 19, 2017      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 29, 2017 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.

November 30, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 5, 2018 Summary judgment motions shall be filed no later than this date.

February 2, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

March 17, 2017 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

March 17, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

October 31, 2017 Plaintiff shall serve medical expert reports by this date.

October 31, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 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**

October 31, 2017 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.

March 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**

October 31, 2017 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.

March 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**

April 20, 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**

March 23, 2017                      The settlement conference previously scheduled on this date is **cancelled**.

March 27, 2018 @ 1:30pm              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.

May 21, 2018                      Trial Date. (*The May 15, 2017 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