

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

**Docket No: L-7757-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ELEANOR TERNYIK, (Estate of ROBERT TERNYIK),  <i>Plaintiff(s),</i>  vs.  ABB INC., et al  <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 August 13, 2014:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Alex Eiden	Plaintiff(s)
Caruso Smith Picini	Lisa Massimi	CertainTeed; Union Carbide
Forman Perry	Thomas M. Toman, Jr.	Cooper Industries
Hoagland Longo	Jason R. Gosnell	Siemens
Kelley Jasons	Robert T. Connor	Square D
McElroy Deutsch	Joseph D. Rasnek	Allen Bradley; Eaton; Exxon; Pfizer
McGivney Kluger	Thomas McNulty	Hubbell Lighting
O'Toole Fernandez	John V. Kelly, III	Gould Electronics
Sedgwick LLP	Bridget Polloway	CBS/Westinghouse
Weiner Lesniak	Edward Seaver	Merck

IT IS on this 18<sup>th</sup> day of August, 2014 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.

Defense counsel shall notify plaintiffs' counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

**DISCOVERY**

October 14, 2014      Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.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.

October 14, 2014      Plaintiff shall serve answers to wrongful death interrogatories by this date.

October 28, 2014 Defendants shall serve answers to standard interrogatories by this date.

November 14, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.

December 15, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 14, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

December 15, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 16, 2015 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 17, 2015 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

May 1, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

May 15, 2015 Summary judgment motions shall be filed no later than this date.

June 12, 2015 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

October 14, 2014 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

October 14, 2014 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

April 17, 2015 Plaintiff shall serve medical expert reports by this date.

April 17, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 13, 2015 Defendants shall identify its medical experts and serve medical expert 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**

May 1, 2015                      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.

July 13, 2015                    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**

May 29, 2014                    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.

July 13, 2014                    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 31, 2015                    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**

July 30, 2015 @ 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 24, 2015                      Trial 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  
                Brody Deposition Services  
                Priority One