

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

Docket No: **L-4394-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

WILLIAM & MERIKE BIERBRUNNER, <i>Plaintiff(s),</i>
vs.
3M COMPANY, 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 9, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Carroll McNulty	Michael Moroney	Spirax Sarco
Caruso Smith	Marcia DePolo	Union Carbide
Eckert Seamans	Misha Shah	AO Smith Water Products
Gibbons PC	Ahmed Kassim	Alcatel-Lucent USA Inc.
Gibbons PC	Robert Brown	Honeywell International
Hardin Kundla	Cynthia Lee	Wallace Supply Co.
Harwood Lloyd	Victoria D. Silva	Carlisle Industrial Brake & Friction
Hawkins Parnell	Roy Viola	Pneumo Abex
LeClair Ryan	Michael Goldklang	Ford
Lynch Daskal	Kate Romick	Georgia Pacific
Margolis Edelstein	Justin M. Bettis	John Crane; Goodrich
Marks O'Neill	Sebastian Goldstein	Superior Boiler Works
Marshall Dennehey	Arthur Bromberg	RSCC Wire & Cable
Mayfield Turner	Joshua Locke	Carrier Corp.
McElroy Deutsch	Gabriel Ferstendig	Rockwell Automation
McGivney Kluger	Thomas McNulty	Weil McLain; JA Sexauer; DAP; ACE Hardware
O'Toole Fernandez	Gary Van Lieu	Dana; Peerless
Reilly Janiczek	Adrianna Exler	Aurora Pump; Cleaver Brooks
Sedgwick LLP	Bridget Polloway	Borg Warner; Foster Wheeler; General Electric
Sweet Pasquarelli	Joy-Michele Johnson	Bridgeton Plumbing & Heating

IT IS on this 9th day of May, 2016, 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 plaintiff's 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

- May 27, 2016 Defendants shall serve answers to standard interrogatories by this date.
- June 17, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 22, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 17, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 22, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 31, 2016 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 16, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- January 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.
- February 8, 2017 @ 10:00am Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

- February 17, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 3, 2017 Summary judgment motions shall be filed no later than this date.
- March 31, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- September 9, 2016 Plaintiff shall serve medical expert reports by this date.
- February 28, 2017 The defense medical examination of plaintiff(s) shall be completed by this date.
- April 28, 2017 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 17, 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.
- April 28, 2017 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.

EXPERT DEPOSITIONS

- May 15, 2017 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

- April 14, 2017 @ 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.
- June 5, 2017 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