

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

Docket No: **L-3967-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of EVAN DUSSIA,  <i>Plaintiff(s),</i>  vs.  BRENNTAG NORTH AMERICA, 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 October 13, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Goldberg Segalla	H. Lockwood Miller	Shulton
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels

IT IS on this 13<sup>th</sup> day of October, 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.

**DISCOVERY**

February 28, 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.

February 28, 2017 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

March 17, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL DEFENSE**

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

March 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.

May 15, 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**

- March 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.
- May 15, 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.

### **ECONOMIST EXPERT REPORTS**

- March 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.
- May 15, 2017 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**

- June 16, 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.

### **DISPOSITIVE MOTION PRACTICE**

- July 7, 2017 Dispositive motions shall be filed no later than this date.
- August 4, 2017 Return date for dispositive motions.

### **PRE-TRIAL AND TRIAL**

- To be scheduled* Settlement conference.
- September 11, 2017 Trial Date. (*The April 24, 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