

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

**Docket No:** L-5352-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

ESTATE of MARYANN HOWELL, <i>Plaintiff(s),</i>
vs.
BRENNTAG NORTH AMERICA, 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 December 11, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Caruso Smith	Richard V. Jones	Metropolitan Life
McCarter & English	Amanda Munsie	Johnson & Johnson
O'Toole Scrivo	Gary Van Lieu	Colgate Palmolive
Rawle & Henderson	Sebastian Goldstein	Cyprus Amax Minerals; Imerys Talc

IT IS on this 16<sup>th</sup> day of **December 2019**, *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**

June 26, 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.

June 26, 2020 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

September 25, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

July 31, 2020 Plaintiff shall serve medical expert reports by this date.

July 31, 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 30, 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**

July 31, 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 30, 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**

October 2, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 16, 2020 Summary judgment motions shall be filed no later than this date.

November 13, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

July 31, 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 30, 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**

December 11, 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**

To be scheduled Settlement conference.

January 11, 2021 Trial Date. (*The January 13, 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.