

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

Docket No: **L-2881-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

EDWARD KAZARY	<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)
Caruso Smith	Marcia DePolo	Dow Chemical; Union Carbide
Connell Foley	Scott Press	PSE&G
D'Arcambal Ousley	Nada Peters	Mondelez
Day Pitney	Rasika Charkravarthy	MRC Holdings, Inc.
Gibbons PC	Ahmed Kassim	AT&T Corp.; Alcatel-Lucent USA Inc.
Gold Albanese	James Barletti	Wakefern
Haworth Coleman	Dominique Romano	L'Oreal USA
Kent McBride	Kevin Hoffman	Monsey Products
LeClair Ryan	Michael Goldklang	Ford
Littleton Joyce	Jason Schmitz	BASF
Lynch Daskal	Kate Romick	Georgia Pacific
Marks O'Neill	Sebastian Goldstein	JCP&L
Maron Marvel	Carolyn Williams	Industrial Holdings Corp.
Marshall Dennehey	Lisa Only	Jaeger Lumber
McElroy Deutsch	Gabriel Ferstendig	Colgate; ExxonMobil; Pabst Brewing Co.
McGivney Kluger	Joel Clark	Duro Dyne; Sid Harvey; Durametalllic; DAP
Morgan Melhuish	Deborah Banfield	Novartis Pharmaceuticals; Ciba Geigy
Nowell	Linda Dunne	Wallace Eannace
O'Toole Fernandez	Gary Van Lieu	WA Birdsall
Porzio Bromberg	Michelle Burke	Cytec Industries; EI DuPont de Nemours & Co.
Sedgwick LLP	Bridget Polloway	Foster Wheeler; CBS/Westinghouse
Styliades Mezzanotte	Patricia Lyons	Speakman
Weiner Lesniak	Edward Seaver	Merck
White & Williams	Christopher Morgan	Pharmacia f/k/a Monsanto
Wilson Elser	Joseph Hanlon	Prudential

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.
- September 16, 2016 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed 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 3, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 17, 2017 Summary judgment motions shall be filed no later than this date.
- March 17, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- September 9, 2016 Plaintiff shall serve medical expert reports 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: Counsel:

Wilbraham Lawler for *Dunphey-Smith; Karnak*

cc: Clerk, Mass Tort