

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

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

Civil Action

CASE MANAGEMENT ORDER I
AMENDED

EDWARD KAZARY	<i>Plaintiff(s),</i>
vs.	
3M COMPANY, et al	<i>Defendant(s).</i>

This matter having come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 9, 2016:

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

IT IS on this 22nd day of JULY, 2016, Case Management Order I is hereby;

AMENDED 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

- July 22, 2016** Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 22, 2016** Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 22, 2016** Defendants shall propound supplemental interrogatories and document requests by this date.
- August 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 13, 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. (*Note date change from date given at 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