

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

LINDA & BRIAN KENT,  vs.  ASBESTOS CORP. LTD., et al	<i>Plaintiff(s),</i>    <i>Defendant(s).</i>
------------------------------------------------------------------	----------------------------------------------------------

**Docket No:** L-6556-19 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on November 20, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Maune Raichle	Nathaniel Falda	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Caruso Smith	Richard V. Jones	Metropolitan Life
Day Pitney	Michael Fitzpatrick	International Paper Co.
Goldberg Segalla	Jillian Madison	Mitsui & Co.
Goldfein & Joseph	Madhurika Jeremiah	Asbestos Corporation Ltd.; Bell Asbestos Mines
Jardim Meisner	Nancy Giacumbo	Hollingsworth & Vose

IT IS on this 20<sup>th</sup> day of **November 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.

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.

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**

- |                  |                                                                                                    |
|------------------|----------------------------------------------------------------------------------------------------|
| December 2, 2019 | Defendants shall serve answers to standard interrogatories by this date.                           |
| December 4, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| January 6, 2020  | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| December 4, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date.         |

- January 6, 2020 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 7, 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.
- February 7, 2020 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 14, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- December 16, 2019 Plaintiff shall serve medical expert reports by this date.
- December 16, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 17, 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**

- February 14, 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.
- April 17, 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**

- February 14, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 28, 2020 Summary judgment motions shall be filed no later than this date.
- March 27, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- February 14, 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.
- April 17, 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**

- May 8, 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.

June 1, 2020                      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