

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

Docket No: **L-1125-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER XI

ESTATE of JOACHIM SCHWIEDOP, <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 January 11, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Eckert Seamans	Robert McGuire	AO Smith
Gibbons PC	Mark R. Galdieri	Hoffman-LaRoche; Roche Laboratories
Landman Corsi	Charles Mondora	The Lincoln Electric Co.
Margolis Edelstein	Peter S. Cuddihy	John Crane; Verona; Woosulate Corp.
McElroy Deutsch	Michelle Hydrusko	Exxon; Burnham
McGivney Kluger	Thomas McNulty	Weil McLain; Durametall; DAP; Flowserve
Pascarella DiVita	Cory Simmons-Edler	Rheem Mfg.
Porzio Bromberg	Pamela R. Kaplan	Alcatel-Lucent; AT&T

IT IS on this 12<sup>th</sup> day of January, 2017 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**

April 17, 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.

April 17, 2017 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

June 16, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

- April 28, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 12, 2017 Summary judgment motions shall be filed no later than this date.
- June 9, 2017 Last return date for summary judgment motions.

## MEDICAL DEFENSE

- June 16, 2017 Plaintiff shall serve medical expert reports by this date.
- August 16, 2017 Defendants shall identify its medical experts and serve medical expert 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

- June 16, 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.
- August 16, 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

- June 16, 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.
- August 16, 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

- September 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

- May 4, 2017 The settlement conference previously scheduled on this date is **cancelled**.
- September 12, 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.

October 16, 2017

Trial Date. (*The June 12, 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