

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

BILLIE N. SMITH,  vs.  BRENNTAG NORTH AMERICA, et al	<i>Plaintiff(s),</i>   <i>Defendant(s).</i>
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**Docket No:** L-3548-19 (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 June 25, 2019:

FIRM	ATTORNEY	CLIENT
Beasley Allen	Sharon Zinns Leila H. Watson	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
McCarter & English	Amanda Munsie	Johnson & Johnson
Rawle & Henderson	Sebastian Goldstein	Cyprus Amax Minerals; Cyprus Mines Corp.

IT IS on this 25<sup>th</sup> day of June 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**

- |                 |  |
|-----------------|--|
| July 8, 2019    | Plaintiff shall serve answers to standard interrogatories by this date.                            |
| July 15, 2019   | Defendants shall serve answers to standard interrogatories by this date.                           |
| July 22, 2019   | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| August 23, 2019 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| July 22, 2019   | Defendants shall propound supplemental interrogatories and document requests by this date.         |

- August 23, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 22, 2019 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.
- November 22, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- December 13, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- July 8, 2019 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- July 8, 2019 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- January 17, 2020 Plaintiff shall serve medical expert reports by this date.
- March 27, 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**

- January 17, 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.
- March 27, 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**

- April 10, 2020 Summary judgment motions shall be filed no later than this date.
- May 8, 2020 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

- June 5, 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 22, 2020	Pretrial Information Exchange submissions due.
June 29, 2020	Trial-Ready 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