

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

ESTATE OF FRANK ZELESNIK, <i>Plaintiff(s),</i>
vs.
3M COMPANY, et al <i>Defendant(s).</i>

Docket No: **L-4617-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER VIII

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)
Caruso Smith	Richard Picini	CertainTeed; Union Carbide
Clemente Mueller	Lori Anne Fee	William Powell Co., Inc.
Drinker Biddle	Jack N. Frost, Jr.	Neles-Jamesbury, Inc.
Lynch Daskal	Elissa Regev	Georgia Pacific
Margolis Edelstein	Peter S. Cuddihy	Central Jersey Supply
Marshall Dennehey	Paul Johnson	Warren Pumps; Kaiser Gypsum
McElroy Deutsch	Michelle Hydrusko	Flowsolve US Inc.; Exxon
McGivney Kluger	Kevin Hoffman	Binsky
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Crane
Wilbraham Lawler	Matthew Jones	Unilever

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**

June 1, 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.

June 30, 2017 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

August 31, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- July 7, 2017                      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 21, 2017                      Summary judgment motions shall be filed no later than this date.
- August 18, 2017                      Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- August 31, 2017                      Plaintiff shall serve medical expert reports by this date.
- August 31, 2017                      Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- October 31, 2017                      Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

## **LIABILITY EXPERT REPORTS**

- August 31, 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.
- October 31, 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**

- August 31, 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.
- October 31, 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**

- December 1, 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**

- June 2, 2017                                      The settlement conference previously scheduled on this date is **cancelled**.

December 7, 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.

January 16, 2018 (*Tuesday*) Trial Date. (*The June 26, 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