

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

Docket No: L-4234-16 (AS)

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of KATHERINE AGRI (Estate of Orin Agri), <i>Plaintiff(s),</i> vs. ACE HARDWARE CORP., 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 June 5, 2018:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Joseph Cotilletta	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
DLA Piper	Stephen Barrett	BASF Catalysts LLC
Drinker Biddle	Shane O'Connell	Johnson & Johnson; Johnson & Johnson Consumer
Goldberg Segalla	H. Lockwood Miller	Procter & Gamble
Goldfein & Joseph	Willard Preston	Domco Products Texas Inc.
Hoagland Longo	Jillian Madison	Whittaker Clark & Daniels
Lewis Brisbois	Troy P. Cunningham	Rio Tinto Ltd.; Rio Tinto Minerals, Inc.
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Benjamin Moore; PPG Architectural Finishes
McGivney Kluger	Pooja Patel	Homasote; DAP; Ace Hardware; Graybar
Rawle & Henderson	Sebastian Goldstein	American Biltrite; Cyprus Amax Minerals; Imerys Talc America
Rivkin Radler	Brian R. Ade	Helen of Troy, Ltd.
Tanenbaum Keale c/o Speziali Greenwald	Joanne Hawkins	CBS; Westinghouse
Vasios Kelly	Douglas Singleterry	Bird, Inc.

IT IS on this 6th day of **June, 2018**, 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

- November 30, 2018 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 30, 2018 Depositions of corporate representatives shall be completed by this date.

CASE MANAGEMENT CONFERENCE

September 26, 2018 @ 10:00am Case Management Conference is scheduled before the Special Master.

EARLY SETTLEMENT

March 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 18, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 1, 2019 Summary judgment motions shall be filed no later than this date.

March 1, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 31, 2018 Plaintiff shall serve medical expert reports by this date.

December 31, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 30, 2019 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

December 31, 2018 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 30, 2019 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

December 31, 2018 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 30, 2019 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 31, 2019 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

December 11, 2018	The settlement conference previously scheduled on this date is cancelled
To be scheduled	Settlement conference.
June 24, 2019	Trial Date. <i>(The January 14, 2019 trial is adjourned to this date.)</i>

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