

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

Docket No: **L-3809-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER IV

GAIL ANDRU (Estate of Andrew Nelson),	<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 April 10, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Bonner Kiernan	Minos Galanos	Occidental Chemical; Durez
Breuninger Fellman	Susan Fellman	NAPA
Budd Lerner	Terence W. Camp	Ericsson, Inc.
Caruso Smith	Marcia DePolo	Union Carbide; CertainTeed
Day Pitney	Sylvia Rebecca Gutierrez	Phelps Dodge Ind.
Forman Watkins	Thomas Toman Jr.	Cooper Industries
Gibbons PC	Alan Gries	Selby Battersby; Honeywell
Hardin Kundla	Nicea D'Annunzio	Calon
Harris Beach	David Kochman	Progress Lighting; Hubbell Inc.; Hubbell Power Systems
Hoagland Longo	Daniel Kuszmerski	Exteco; Goulds Pumps; WW Grainger
Kelley Jasons	Joseph Vassalotti	Square D; Victaulic; Northern Pump; McNally
Leader & Berkon	Lynelle Maginley Liddie	IMO Industries; Spirax Sarco
Lynch Daskal	Alexander Ober	Georgia Pacific
Margolis Edelstein	J. Edmund Bryak	Belden; Alpha Wire; John Crane; Columbia
Marks O'Neill	Paul Smyth	Whirlpool Corp.
Marshall Dennehey	Paul Johnson	Warren Pumps
Mattson Madden	John R. Leith	Okonite Co.
Mayfield Turner	Andrew Keith	Carrier Corp.
McCarter & English	Jean Patterson	Hercules; Ashland, Inc.
McElroy Deutsch	Joseph D. Rasnek	Samson; Allen-Bradley; Eaton; Burnham
McGivney Kluger	Caitlin Christie Thomas McNulty	Nash; Weil McLain; Simplex Wire & Cable; Taco; CCX; Gardner Denver; Flowserve; Treadwell; Graybar
O'Toole Fernandez	Gary Van Lieu	Peerless
Pascarella DiVita	Brad Bishop	Trane; General Cable; Crane
Pepper Hamilton	Nicholas Kouletsis	Bristol Myers Squibb
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Michelle Cappuccio	Aurora; Cleaver Brooks; CR Daniels; Goulds Electronics
Salmon Ricchezza	John J. Dugan	AGCO Corp.
Segal McCambridge	Kevin Turbert	National Lighting
The Sultzer Law Group	Joseph S. Jacobs	American Insulated Wire; Leviton

Tierney Law Office	Kevin Buttery	Beacon Electronics
Vasios Kelly	Thomas J. Kelly Jr.	Bird
Wilbraham Lawler	Elizabeth deBerardinis	Buffalo Pumps; Siemens

IT IS on this 10<sup>th</sup> day of April, 2015 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**

August 31, 2015 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.

September 30, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 11, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

May 8, 2015 The early settlement conference previously scheduled on this date is **cancelled**.

September 16, 2015 The settlement conference previously scheduled on this date is **cancelled**.

October 15, 2015 @ 1:30pm Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

November 20, 2015 Summary judgment motions shall be filed no later than this date.

December 18, 2015 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

November 13, 2015 Plaintiff shall serve additional medical expert report by this date.

November 13, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 29, 2016 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

November 13, 2015 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.

January 29, 2016 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 24, 2015 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.

January 29, 2016 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**

February 19, 2016 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**

February 24, 2016 @ 1:30pm 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.

March 14, 2016 Trial Date. (*The October 5, 2015 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  
Brody Deposition Services  
Priority One