

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

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

Civil Action

CASE MANAGEMENT ORDER V

GAIL ANDRU (Estate of Andrew Nelson),  vs.  3M COMPANY, et al	<i>Plaintiff(s),</i>       <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 4, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Breuninger Fellman	Kathleen Ramalho	NAPA
Budd Larner	Terence W. Camp	Ericsson, Inc.
Caruso Smith	Ronald S. Suss	Union Carbide; CertainTeed
Darger Errante	Sandra Steinman	
Day Pitney	Rasika Chakravarthy	Phelps Dodge Ind.
Forman Watkins	Thomas Toman	Cooper Industries
Gibbons PC	Alan Gries	Selby Battersby; Honeywell
Hardin Kundla	Cynthia Lee	Calon
Harris Beach	Syed Rizji	Progress Lighting; Hubbell Inc.; Hubbell Power Systems
Hoagland Longo	Marc S. Gaffrey	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	Elissa Regev	Georgia Pacific
Margolis Edelstein	Dawn Dezii	Belden; Alpha Wire; John Crane; Columbia
Marks O'Neill	Sebastian Goldstein	Whirlpool Corp.
Marshall Dennehey	Lisa Only Arthur Bromberg	Warren Pumps RSCC Wire & Cable
Mayfield Turner	Jacob Crockett	Carrier Corp.
McCarter & English	Jean Patterson	Hercules; Ashland, Inc.
McElroy Deutsch	Gabriel Ferstendig	Samson; Allen-Bradley; Eaton; Burnham
McGivney Kluger	Caitlin Christie	Nash; Weil McLain; Simplex Wire & Cable; Taco; CCX; Gardner Denver; Flowserve; Treadwell; Graybar
Pascarella DiVita	Joshua Greeley	Trane; General Cable; Crane
Pepper Hamilton	Nicholas Kauletsis	Bristol Myers Squibb
Porzio Bromberg	Pamela Kaplan	DuPont
Reilly Janiczek	Shannon Kelly	Aurora; Cleaver Brooks; CR Daniels; Goulds Electronics
Salmon Ricchezza	John Dugan	AGCO Corp.
Segal McCambridge	John Guerriera	National Lighting
Tierney Law Office	Kevin Buttery	Beacon Electronics
Vasios Kelly	Thomas J. Kelly, Jr.	Bird

Wilbraham Lawler	Elizabeth deBerardinis	Buffalo Pumps; Siemens
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IT IS on this 8<sup>th</sup> day of September, 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**

- November 6, 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.
- December 4, 2015      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- November 13, 2015      Settlement demands shall be served on all counsel and the Special Master by this date.
- October 15, 2015      The settlement conference previously scheduled on this date is **cancelled**.
- December 10, 2015 @ 10:00am      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**

- December 18, 2015      Plaintiff’s counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 8, 2016      Summary judgment motions shall be filed no later than this date.
- February 5, 2016      Last return date for summary judgment motions.

**MEDICAL DEFENSE**

- December 4, 2015      Plaintiff shall serve additional medical expert report by this date.
- December 4, 2015      Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- March 7, 2016      Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

December 4, 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.

March 7, 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 4, 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.

March 7, 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**

March 31, 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.

April 25, 2016 Trial Date. (*The March 14, 2016 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