

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

Docket No: **L-3922-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

DONNA BABICH ESTATE of THEODORE BABICH,  <i>Plaintiff(s),</i>  vs.  3M COMPANY, et al  <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 February 12, 2016:

FIRM	ATTORNEY	CLIENT
Seeger Weiss	Moshe Horn, Esq.	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Marcia DePolo	Union Carbide
Gibbons PC	Mark R. Galdieri	Honeywell Int'l
Goldberg Segalla	Robert M. Hanlon, Sr.	Robert Bosch, LLC; McCord
Greenbaum Rowe	Brian Kornbrel	Honda
Herzfeld & Rubin	Nadine Kohane	VW Group of America, Inc.; Mercedes-Benz USA
Landman Corsi	Joseph Tomaino	Federal Mogul
Lavin O'Neil	Donna Candelora	3M Company
LeClari Ryan	Michael Goldklang	Ford
Lynch Daskal	Andrew Mundo	Luk Clutch Systems, LLC
O'Toole Fernandez	Leslie Lombardy	Dana
Porzio Bromberg	Pamela Kaplan	BMW of North America, LLC
Rawle & Henderson	Susan Riechelton	Volvo Group of North America, LLC

IT IS on this 16<sup>th</sup> day of **February, 2016**, *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**

- March 11, 2016            Plaintiff shall serve answers to wrongful death interrogatories by this date.
- March 11, 2016            Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 11, 2016            Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 29, 2016 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.

April 29, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 13, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

May 13, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 27, 2016 Summary judgment motions shall be filed no later than this date.

June 24, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

April 15, 2016 Plaintiff shall serve medical expert reports by this date.

April 15, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 31, 2016 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**

July 15, 2016 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.

August 31, 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**

July 15, 2016 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.

August 31, 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**

September 23, 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**

September 22, 2016 @ 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.

**(The settlement conference previously scheduled on September 23, 2016 is cancelled.)**

October 17, 2016 Trial 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