

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

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

Civil Action

CASE MANAGEMENT ORDER V

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 May 3, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts Co.; NAPA; TMD Friction, Inc.
Caruso Smith	Marcia DePlol	Union Carbide
Delany McBride	Ariana Seidel	Hitachi
Fishkin Lucks LLP	Steven Lucks	AP Exhaust
Gibbons PC	Ethan Stein	Honeywell Int'l
Goldberg Segalla	David Rutkowski	Robert Bosch, LLC; McCord
Greenbaum Rowe	Thomas Murphy	American Honda Motor Co., Inc.
Hawkins Parnell	Roy Viola	Pneumo Abex LLP
Kaufman Borgeest	Jeffrey Gorenstein	Morton International
Landman Corsi	Kimberly A. Perez	Federal Mogul
Lavin O'Neil	Michael J. Sheehan	3M Company; Nissan North America, Ind.; Toyota Motor Sales, USA, Inc.
LeClair Ryan	John Soltesz, III	Ford
Locke Lord	Aileen McTiernan	Tenneco Automation
Lynch Daskal	Alexander Broche	Luk Clutch Systems, LLC
McElroy Deutsch		Arvin Meritor; Exxon; Aisin USA Mfg. Inc.
McGivney Kluger	Patricia Wilson	ZF North America
O'Toole Scrivo	Gary Van Lieu	Dana; Akebono Brake Corp.
Porzio Bromberg	Diane Averell	BMW of North America, LLC
Rawle & Henderson	Linda Dobbins	Volvo Group of North America, LLC; Hennessy Industries LLC
Reilly Janiczek	Matthew Franson	AP Parks Mfg. Co., Inc.
Segal McCambridge	Alexander C. Schaffel	BW/IP
Tanenbaum Keale		Born Warner
Wilbraham Lawler	Kelly Skinner	Kelsey-Hayes; Maremont

IT IS on this 15<sup>th</sup> day of May, 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**

- May 26, 2017 Defendants shall serve answers to standard interrogatories by this date.
- July 14, 2017 Plaintiff shall propound supplemental interrogatories and document requests on new defendants by this date.
- August 25, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 14, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 25, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 29, 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.
- January 31, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 15, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- February 15, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 1, 2018 Summary judgment motions shall be filed no later than this date.
- March 29, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- July 31, 2018 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**

- May 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.
- July 31, 2018 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**

May 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.

July 31, 2018 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**

August 31, 2018 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**

August 24, 2017 The settlement conference previously scheduled on this date is **cancelled**.

August 23, 2018 @ 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.

September 24, 2018 Trial Date. (*The September 25, 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