

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

**Docket No: L-5709-18 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

PETER & CLAUDINE BENMAR, <i>Plaintiff(s),</i>
vs.
JOHNSON & JOHNSON, 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 December 18, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
McCarter & English	Debra M. Perry	Johnson & Johnson; Johnson & Johnson Consumer
Rawle & Henderson	Samuel Garson	Cyprus Amax Minerals; Cyprus Mines Corp.; Imerys Talc America Inc.; Imerys Talc Vermont Inc.; Imerys USA

IT IS on this 19<sup>th</sup> day of December, 2019, *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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

**DISCOVERY**

- |                   |  |
|-------------------|--|
| January 11, 2019  | Defendants shall serve answers to standard interrogatories by this date.                           |
| January 25, 2019  | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| February 28, 2019 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| January 25, 2019  | Defendants shall propound supplemental interrogatories and document requests by this date.         |

- February 28, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 29, 2019 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.
- March 29, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- June 14, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- April 30, 2019 Plaintiff shall serve medical expert reports by this date.
- April 30, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- July 12, 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**

- April 30, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- July 12, 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- April 26, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 10, 2019 Summary judgment motions shall be filed no later than this date.
- June 7, 2019 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- April 30, 2019 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 12, 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**

- August 2, 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**

To be scheduled	Settlement conference.
August 19, 2019	Pretrial Information Exchange submissions due.
August 26, 2019	Trial-Ready 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