

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

ROBERT & CINDY BORNSTEIN, <i>Plaintiff(s),</i>  vs.  3M COMPANY, et al  <i>Defendant(s).</i>
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Docket No: **L-6179-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 30, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Carroll McNulty	Paul Miller	Copes Vulcan, Inc.
Hoagland Longo	Marc S. Gaffrey	Westfield Plumbing; Westside Plumbing; Essex Plumbing
Kent McBride	Marcus Ferreira	Utica Boiler
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	Burnham
McGivney Kluger	Thomas McNulty	Weil McLain; Blackmer
Pascarella DiVita	Inge Cully	Ingersoll Rand; Trane; Crane
Troutman Sanders	Joanne Rogers	Mestek, Inc.
Wilbraham Lawler	Anisha Abraham	Air & Liquid Systems Corp.

IT IS on this 30<sup>th</sup> day of August, 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**

- September 30, 2016 Defendants shall provide dates for depositions of their corporate representatives no later than this date.
- December 30, 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.
- December 30, 2016 Depositions of corporate representatives shall be completed by this date.

### EARLY SETTLEMENT

January 13, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### SUMMARY JUDGMENT MOTION PRACTICE

January 13, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 3, 2017 Summary judgment motions shall be filed no later than this date.

March 3, 2017 Last return date for summary judgment motions.

### MEDICAL DEFENSE

May 19, 2017 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 7, 2017 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.

May 19, 2017 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

April 7, 2017 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.

May 19, 2017 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

June 9, 2017 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

November 16, 2016 The settlement conference previously scheduled on this date is **cancelled**.

May 9, 2017 @ 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.

June 26, 2017

Trial Date. (*The December 19, 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