

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

Docket No: **L-6179-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of ROBERT BORNSTEIN, <i>Plaintiff(s),</i>
vs.
3M COMPANY, 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 January 12, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
DeCotiis Fitzpatrick	Michael A. Moroney	Copes Vulcan, Inc.
Delany McBride	Ariana Seidel	Peerless Industries
Eckert Seamans	Robert McGuire	AO Smith Water Products
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	James Goodloe	Westfield Plumbing; Westside Plumbing; Essex Plumbing
Kent McBride	Theresa Mullaney	Utica Boiler
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Michelle Hydrusko	Burnham
McGivney Kluger	Thomas McNulty	Weil McLain; Blackmer
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Trane; Crane
Troutman Sanders	Joanne Rogers	Mestek, Inc.
Wilbraham Lawler	Tristin Fabro	Air & Liquid Systems Corp.

IT IS on this 13<sup>th</sup> day of January, 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**

January 31, 2017 Defendants shall provide two possible dates for corporate representative depositions by this date.

March 31, 2017 Depositions of corporate representatives shall be completed by this date.

### EARLY SETTLEMENT

April 14, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### SUMMARY JUDGMENT MOTION PRACTICE

April 28, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 12, 2017 Summary judgment motions shall be filed no later than this date.

June 9, 2017 Last return date for summary judgment motions.

### MEDICAL DEFENSE

July 31, 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

June 16, 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.

July 31, 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

June 16, 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.

July 31, 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

August 31, 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

May 9, 2017 The settlement conference previously scheduled on this date is **cancelled**.

September 6, 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.

October 2, 2017

Trial Date. (*The June 26, 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