

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

**Docket No:** L-2911-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

MICHELLE & RICHARD CHAPMAN, <i>Plaintiff(s),</i>
vs.
BASF CATALYSTS LLC, 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 *February 22, 2018*:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Joseph Cotilletta	Plaintiff(s)
DLA Piper	Stephen Barrett	BASF Catalysts
Drinker Biddle	Christine Lozier	Johnson & Johnson; Johnson & Johnson Consumer Inc.
Gibbons PC	Daniel Dorfman	Honeywell International
Hawkins Parnell	Edward P. Abbot	Pneumo Abex
Hoagland Longo	Jason R. Gosnell	Whittaker Clark & Daniels
Lewis Brisbois	Troy Cunningham	Rio Tinto Ltd.
McMahon Martine	Patrick Brophy Renee Appel	Personal Care Products Council
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 26<sup>th</sup> day of **February, 2018**, *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 2, 2018  | Plaintiff shall propound supplemental interrogatories and document requests by this date.   |
| April 6, 2018  | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| March 2, 2018  | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| April 6, 2018  | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| April 20, 2018 | 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. |

May 4, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 4, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

May 25, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 8, 2018 Summary judgment motions shall be filed no later than this date.

July 6, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 11, 2018 Plaintiff shall serve medical expert reports by this date.

May 11, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 3, 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.

August 3, 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.

August 3, 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**

September 7, 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**

May 9, 2018                               The settlement conference previously scheduled on this date is **cancelled**.

September 5, 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.

October 1, 2018                            Pretrial Information Exchange submissions due.

October 9, 2018 (*Tuesday*)           Trial-Ready Date. (*The June 25, 2018 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