

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

Docket No: L-7311-17 (AS)

Civil Action

CASE MANAGEMENT ORDER I

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|---|
| ESTATE of EULLY COOPER, <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 *February 8, 2018*:

| FIRM | ATTORNEY | CLIENT |
|-------------------|-------------------------------|---------------------------|
| Simmons Hanly | Laurence Nassif Jim Kramer | Plaintiff(s) |
| Fox Rothschild | Thomas Mastoianni | GATX Corp. |
| Hoagland Longo | Amie Kalac | Wittaker Clark & Daniels |
| Lavin O'Neil | Catherine Brunermer | 3M Company |
| Maron Marvel | Lina C. Flanigan | Industrial Holdings Corp. |
| Pascarella DiVita | Johns s. McGowan | Crane Co. |

IT IS on this 12th 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.

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.

DISCOVERY

- | | |
|----------------|--|
| March 9, 2018 | Plaintiff shall serve answers to standard interrogatories. |
| March 9, 2018 | Plaintiff shall serve answers to wrongful death interrogatories by this date. |
| March 23, 2018 | Defendants shall serve answers to standard interrogatories by this date. |
| April 13, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| May 18, 2018 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| April 13, 2018 | Defendants shall propound supplemental interrogatories and document requests by this date. |

- May 18, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 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.
- August 31, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 14, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- October 26, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 9, 2018 Summary judgment motions shall be filed no later than this date.
- December 7, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

- March 9, 2018 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- March 9, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- October 31, 2018 Plaintiff shall serve medical expert reports by this date.
- October 31, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 31, 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

- October 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.
- January 31, 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.

EXPERT DEPOSITIONS

- February 28, 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.

March 25, 2019 Trial 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