

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

APRIL & EDWIN DeJESUS,  <i>Plaintiff(s),</i>  vs.  BRENNTAG NORTH AMERICA, et al  <i>Defendant(s).</i>
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**Docket No:** L-6247-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 18, 2019:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Joseph J. Mandia	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
McCarter & English	Theresa A. Dill Amanda M. Munsie	Johnson & Johnson; Johnson & Johnson Consumer
McElroy Deutsch	Michelle Hydrusko	Pfizer; Barretts Minerals
Rawle & Henderson	Sebastian Goldstein	Cyprus Amax Minerals

IT IS on this **18<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.

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 10, 2020  | Plaintiff shall propound supplemental interrogatories and document requests as to Pfizer and Barretts Minerals by this date.                                                                          |
| February 10, 2020 | Pfizer & Barrets Minerals shall serve answers to supplemental interrogatories and document requests by this date.                                                                                     |
| March 16, 2020    | 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 16, 2020    | Depositions of corporate representatives shall be completed by this date.                                                                                                                             |

### **EARLY SETTLEMENT**

June 26, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

April 17, 2020 Plaintiff shall serve medical expert reports by this date.

April 17, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 30, 2020 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 17, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

June 30, 2020 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**

June 26, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 10, 2020 Summary judgment motions shall be filed no later than this date.

August 7, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

May 15, 2020 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.

June 30, 2020 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, 2020 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**

June 12, 2020                      The settlement/status conference previously scheduled on this date is **cancelled**.

August 28, 2020 @ 10:00am      Settlement / Status Conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

September 28, 2020              Trial Date. (*The July 13, 2020 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: counsel:  
Goldberg Segalla for Coty, Noxell, Procter & Gamble  
cc: Clerk, Mass Tort