

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

Docket No: **L-1857-17 (AS)**

TARA & RICHARD DeAUGUSTINIS, <i>Plaintiff(s),</i>
vs.
BRENNTAG NA INC., et al <i>Defendant(s).</i>

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 1, 2017:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Leah Kagan	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
Drinker Biddle	Jack N. Frost, Jr.	Johnson & Johnson
Hoagland Longo	Jillian Madison	Whittaker Clark & Daniels
Rawle & Henderson	Meredith Mack	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 8<sup>th</sup> day of May, 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.

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**

- May 15, 2017 Defendants shall serve answers to standard interrogatories by this date.
- May 26, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 30, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 26, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- June 30, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 31, 2017 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, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 1, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 1, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 15, 2017 Summary judgment motions shall be filed no later than this date.

October 13, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

September 15, 2017 Plaintiff shall serve medical expert reports by this date.

September 15, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 8, 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**

October 31, 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.

December 8, 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**

October 31, 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.

December 8, 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**

January 5, 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**

January 19, 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.

January 29, 2018 Pretrial Information Exchange submissions due.

February 5, 2018 **Trial-Ready** 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

VACATED