

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

**Docket No:** L-3967-15 (AS)

ESTATE of EVAN DUSSIA,  <i>Plaintiff(s),</i>  vs.  BRENNTAG NORTH AMERICA, et al  <i>Defendant(s).</i>
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**Civil Action**

**CASE MANAGEMENT ORDER IX**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *July 11, 2018*:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Goldberg Segalla	H. Lockwood Miller	Shulton, Inc.; Procter & Gamble; Wyeth Holdings
Hoagland Longo	Amie Kalac	Whittaker Clark & Daniels

IT IS on this 11<sup>th</sup> day of July, 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**

October 12, 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.

**EARLY SETTLEMENT**

October 26, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL DEFENSE**

December 10, 2018 Plaintiff shall serve medical expert reports by this date.

December 10, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 11, 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**

- December 10, 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.
- February 11, 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.

### **ECONOMIST EXPERT REPORTS**

- December 10, 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.
- February 11, 2019 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**

- March 11, 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.

### **DISPOSITIVE MOTION PRACTICE**

- April 12, 2019 Dispositive motions shall be filed no later than this date.
- May 10, 2019 Return date for dispositive motions.

### **PRE-TRIAL AND TRIAL**

- January 31, 2019 The settlement conference previously scheduled on this date is **cancelled**.
- April 30, 2019@ 1:30pm 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.
- June 10, 2019 Trial Date. (*The March 25, 2019 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