

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

**Docket No:** L-4301-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

JUSTIN ESSES & STEPHANIE BATTAGLIA ESSES, <i>Plaintiff(s),</i>
vs.
BRENNTAG NORTH AMERICA, 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 October 13, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Simon Greenstone	Leah Kagan	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
Drinker Biddle	Jack N. Frost, Jr.	Johnson & Johnson; Johnson & Johnson Consumers
Hoagland Longo	Daniel Kuszmerski	Whittaker Clark & Daniels
Montgomery McCracken	Ronald Hurst	Brenntag Specialties
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 16<sup>th</sup> day of **October, 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**

- |                   |   |
|-------------------|---|
| November 20, 2017 | Defendants shall serve answers to standard interrogatories by this date.  |
| October 20, 2017  | Plaintiff shall propound supplemental interrogatories and document requests by this date.   |
| November 30, 2017 | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| October 20, 2017  | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| November 30, 2017 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| January 15, 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. |

January 15, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 16, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 16, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 30, 2018 Summary judgment motions shall be filed no later than this date.

April 27, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 16, 2018 Plaintiff shall serve medical expert reports by this date.

February 16, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 18, 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**

March 16, 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.

May 18, 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**

March 16, 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.

May 18, 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**

June 8, 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 11, 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.

June 18, 2018 Pretrial Information Exchange submissions due.

June 25, 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