

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

**Docket No:** L-3589-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of ROSE FLATER,  vs.  ALBI ENTERPRISES, et al	<i>Plaintiff(s),</i>    <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 20, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Clark Rosengarten	Plaintiff(s)
Goldberg Segalla	H. Lockwood Miller	Shulton defendants
Haworth Rossman	Jay Ganatra	L'Oreal
Hoagland Longo	Jacob Grouser	Whittaker Clark & Daniels
O'Toole Scrivo	Elias Arroyo	Colgate Palmolive Co.
Rawle & Henderson	Timothy Alexander	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 8<sup>th</sup> day of **January, 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**

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|-------------------|--|
| January 31, 2018  | Plaintiff shall serve answers to standard interrogatories.   |
| February 16, 2018 | Plaintiff shall serve answers to wrongful death interrogatories (and serve wrongful death reports) by this date. |
| February 28, 2018 | Defendants shall serve answers to standard interrogatories by this date.   |
| March 16, 2018    | Plaintiff shall propound supplemental interrogatories and document requests by this date.                        |
| April 30, 2018    | Defendants shall serve answers to supplemental interrogatories and document requests by this date.               |
| March 16, 2018    | Defendants shall propound supplemental interrogatories and document requests by this date.                       |

- April 30, 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 7, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- October 19, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 2, 2018 Summary judgment motions shall be filed no later than this date.
- November 30, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- January 31, 2018 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- January 31, 2018 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- October 1, 2018 Plaintiff shall serve medical expert reports 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 1, 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.

### **ECONOMIST EXPERT REPORTS**

- October 31, 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.
- January 31, 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**

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.

April 1, 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