

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

**Docket No:** L-1515-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

EDWARD & LISA GARCIA,  <i>Plaintiff(s),</i>
vs.
BRENNTAG NA INC., 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 6, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Daniel LaTerra	Plaintiff(s)
Drinker Biddle	Christine Lozier	Johnson & Johnson
Gibbons PC	Robert Brown	Hoffman LaRoche
Hoagland Longo	Daniel Kuzmerski	Whittaker Clark & Daniels
McGivney Kluger	Stephen DeNaro	RE Carroll
O'Toole Scrivo	Gary Van Lieu	RT Vanderbilt
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America
Styliades Mezzanotte	Mane Cormel	HM Royal

IT IS on this 12<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.

**DISCOVERY**

October 20, 2017 Defendants, Cyprus Amax Minerals, Imerys, Johnson & Johnson, Johnson & Johnson Consumer, shall respond to plaintiff's requests for more specific answers to supplemental interrogatories and document production by this date.

October 31, 2017 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

November 24, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

October 13, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 20, 2017 Summary judgment motions shall be filed no later than this date.

November 17, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 13, 2017 Plaintiff shall serve medical expert reports by this date.

October 13, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 30, 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 13, 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.

November 30, 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 13, 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.

November 30, 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**

December 7, 2017 The settlement conference previously scheduled on this date is **cancelled**.

January 12, 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 26, 2018 Pretrial Information Exchange submissions due.

February 5, 2018

**Trial-Ready** Date. (*The January 29, 2018 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