

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

Docket No: **L-4593-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

<p>THOMAS & DONNA GIOGLIO,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>3M COMPANY, et al</p> <p style="text-align: center;"><i>Defendant(s).</i></p>
--

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on October 11, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Levy Phillips & Konigsberg	John Guinan	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Connell Foley	Timothy Corrison	Henry Technologies
Day Pitney	Nexus U. Sea	M7 Aerospace LLC
DLA Piper	Nancy Rappaport	Northrop Grumman
Eckert Seamans	Veronica Nelson	Ford
Forman Perry	Sylvia K. Chandler	Ingersoll Rand Co.; Trane US Inc.; Cooper Ind.
Freehill Hogan	Justin T. Nastro	Rolls-Royce North America Inc.
Gibbons P.C.	Ethan Stein	Honeywell
Gibobns P.C.	Stephen J. Finley	Selby Battersby
Hoagland Longo	Kristy K. Lyons	Goulds; Borg Warner; Burnham; ACME Eng.
Kasowitz Benson	Kevin J. Dooley	Singer Sewing Co.
Lavin O'Neil	Sarina Kaplan	Pratt & Whitney Rocketdyne Inc.
Lavin O'Neil	Catherine Brunermer	3M Company
Leader & Berkon	Joseph Fontak	IMO Industries; Spirax Sarco
Littleton Joyce	Christine M. Delaney	BASF
Lynch Daskal	Mark Wasef	Georgia Pacific
Margolis Edelstein	Jeanine D. Clark	John Crane; Columbia Boiler Co. of Pottstown
Marks O'Neill	Sebastian Goldstein	Whirlpool
Maron Marvel	Meryl Topchik	Industrial Holdings Corp.
Marshall Dennehey	Julie Dorfman	NMBFIL Inc.
Mayfield Turner	Chris Chaneler	Carrier
McCarter & English	Mitchell Kurtz	Hercules
McElroy Deutsch	Aileen E. McTiernan	Eaton
McGivney Kluger	Thomas McNulty	Nash; Weil McLain; Taco; Gardner Denver; Duriron; Atwood; Morrill; Boring
McGivney Kluger	Nancy Giacumbo	Vermont Talc
Montgomery Chapin	Johan A. Obregon	JH France Refractories

O'Toole Fernandez	Leslie Lombardy	Dana
Porzio Bromberg	Christopher DePhillips	DuPont
Reilly Janiczek	Shannon Kelly	Aurora Pump; Cleaver Brooks; CR Daniels
Salmon Ricchezza	Justin Callaway	AGCO
Wilbraham Lawler	Trevor J. Mohr	Air & Liquid Systems Corp.
Wilson Elser	Gina Calabria	Warren Pumps

IT IS on this 16th day of October, 2012 *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 plaintiffs' 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 9, 2012 Defendants shall serve answers to standard interrogatories by this date.
- November 16, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- December 14, 2012 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 16, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.
- December 14, 2012 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 15, 2013 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.
- March 15, 2013 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- March 29, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

April 5, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

May 3, 2013 Last return date for product identification summary judgment motions.

OTHER MOTIONS

April 26, 2013 Filing date.

May 24, 2013 Return date.

MEDICAL DEFENSE

November 2, 2012 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

November 30, 2012 Plaintiff shall serve additional medical expert reports by this date.

November 30, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 17, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

April 15, 2013 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 17, 2013 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.

EXPERT DEPOSITIONS

June 7, 2013 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 22, 2013 @ 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 24, 2013

Trial Date.

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Vincent Le Blon
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort
Brody Deposition Services
Priority One