

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

**Docket No:** L-3758-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

ANITA GORDON,  vs.  JOHNSON & JOHNSON INC., JOHNSON & JOHNSON CONSUMER, INC.	<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 October 25, 2018:

FIRM	ATTORNEY	CLIENT
Phillips & Paolicelli	Brendan Tully	Plaintiff(s)
McCarter & English	Jean Patterson	Johnson & Johnson; Johnson & Johnson Consumer
Hoagland Longo	Ibrahim Kosoko	Whittaker Clark & Daniels

IT IS on this 1<sup>st</sup> day of **November, 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**

- November 9, 2018      Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 7, 2018      Cyprus/Imerys shall serve answers to supplemental interrogatories and document requests by this date.
- December 7, 2018      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- January 31, 2019      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**

- March 15, 2019      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

- March 15, 2019      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 29, 2019      Summary judgment motions shall be filed no later than this date.

April 26, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

November 16, 2018 Plaintiff shall serve updated medical authorizations by this date.

December 3, 2018 Plaintiff shall serve medical expert reports by this date.

December 3, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 30, 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**

March 1, 2019 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.

April 30, 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.

### **EXPERT DEPOSITIONS**

May 30, 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**

January 10, 2019 The settlement conference previously scheduled on this date is **cancelled**.

April 24, 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 24, 2019 Trial Date. (*The February 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: Rawle & Henderson for Cyprus/Imerys  
Clerk, Mass Tort