

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

Docket No: L-5223-19 (AS)

Civil Action

CASE MANAGEMENT ORDER I

ELMER & MARGARET HIGMAN,	<i>Plaintiff(s),</i>
vs.	
3M COMPANY, 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 January 14, 2020:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Burns White	Michael H. Malin	HB Fuller Co.
Caruso Smith	Marcia DePolo	CertainTeed Corp.; Union Carbide Corp.
Dickie McCamey	William Smith	PW Power Systems
Eckert Seamans	Michael A. Posavetz	Erico International Corp.
Gibbons PC	Ethan Stein	Honeywell International Inc.
Kelley Jasons	Angela Caliendo	Square D
Kent McBride	Theresa Mullaney	Mine Safety Appliance; Alfa Laval Inc.
Landman Corsi	Tom Patunia	Sequoia Ventures Inc.
Leader Berkon	Christine Bucca	IMO Ind.; Electrolux Home Products Inc.
Margolis Edelstein	Dawn Dezii	John Crane Inc.; Goodrich Corp.
Marin Goodman	Terence W. Camp	The Goodyear Tire & Rubber Co.; Ericsson, Inc.
Marks O'Neill	Paul Smyth	Caterpillar, Inc.
Maron Marvel	Liana N. Nobile	Velan Valve Corp.
McCullough Ginsberg	James Montano	Okonite Co.
McElroy Deutsch	Andrew F. Bain	Eaton Corp.; Flowserve US Inc.; Asco Valve Inc. n/k/a Asco L.P.
McGivney Kluger	Thomas McNulty	Flowserve Corp.
O'Brien Firm	Jodie Farrow	ABB Inc. / ITE
Pascarella DiVita	Robert W. Slomicz	Ingersoll Rand; Rheem Mfg. Co.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks Inc.; Delval Equipment Corp.
Swartz Campbell	Lauren Burke	Fyrepel Products Inc.
Tanenbaum Keale	Elizabeth Gee	CBS; Foster Wheeler
Turner O'Mara	Dave J. Gallacher	Carrier Corp.
Wilbraham Lawler	Jessica Reenock	Air & Liquid Systems Corp.; Siemens; William Betz Jr.; Exelon Corp.; Exelon Generation Co.; PECCO Energy Co.; Public Service Electric & Gas; PSEG Fossil; PSEG Nuclear

IT IS on this **14th** day of **January 2020**, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

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| January 31, 2020 | Defendants shall serve answers to standard interrogatories by this date. |
| February 7, 2020 | Plaintiff shall propound supplemental interrogatories and document requests by this date. |
| March 9, 2020 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| February 7, 2020 | Defendants shall propound supplemental interrogatories and document requests by this date. |
| March 9, 2020 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date. |
| July 6, 2020 | 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 7, 2020 | Depositions of corporate representatives shall be completed by this date. |

EARLY SETTLEMENT

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| September 4, 2020 | Settlement demands shall be served on all counsel and the Special Master by this date. |
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MEDICAL EXPERT REPORT

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| August 31, 2020 | Plaintiff shall serve medical expert reports by this date. |
| August 31, 2020 | Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date. |
| November 20, 2020 | 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

- August 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- November 20, 2020 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.

SUMMARY JUDGMENT MOTION PRACTICE

- September 4, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 18, 2020 Summary judgment motions shall be filed no later than this date.
- October 16, 2020 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

- December 18, 2020 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 Status Conference.
- January 19, 2021 (*Tuesday*) Trial Date.

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

/s/ James F. Hyland
JAMES F. HYLAND, J.S.C.

cc: Clerk, Mass Tort