

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

DWAYNE JOHNSON,  <i>Plaintiff(s),</i>  vs. AMERICAN INTERNATIONAL INDUSTRIES, et al  <i>Defendant(s).</i>
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Docket No: **L-6651-16 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 1, 2017:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Leah Kagan	Plaintiff(s) ( <i>co-counsel with Szaferman Lakind</i> )
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts Co.
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Goldberg Segalla	H. Lockwood Miller	Shulton Inc.
Hawkins Parnell	Roy Viola	American International Inc.
Hoagland Longo	Jillian Madison	Whittaker Clark & Daniels
O'Toole Fernandez	Gary Van Lieu	Colgate-Palmolive
Rawle & Henderson	Meredith Mack	Cyprus; Imerys Talc America
Reilly Janiczek	Ryan Notarangelo	Carquest Corp.
Rivkin Radler	Jacqueline Bushwack	Avon Products Inc.
Wilbraham Lawler	Matthew Jones	Advance Auto Parts; General Parts Inc.

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

- |               |   |
|---------------|---|
| May 15, 2017  | Plaintiff shall propound supplemental interrogatories and document requests by this date.   |
| June 19, 2017 | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| May 15, 2017  | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| June 19, 2017 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| July 31, 2017 | 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. |

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

### **EARLY SETTLEMENT**

August 18, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 18, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 1, 2017 Summary judgment motions shall be filed no later than this date.

September 29, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

July 31, 2017 Plaintiff shall serve medical expert reports by this date.

July 31, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 16, 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**

August 18, 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.

October 16, 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**

August 18, 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.

October 16, 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**

November 10, 2017 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**

September 8, 2017                    The settlement conference previously scheduled on this date is **cancelled**.

November 8, 2017 @ 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.

November 20, 2017                    Pretrial Information Exchange submissions due.

December 4, 2017                    **Trial-Ready** Date. (*The October 2, 2017 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