

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

HENRY W. LATTEr, SR. and HENRY LATTEr, JR.,

*Plaintiff(s),*

vs.

3M COMPANY, et al

*Defendant(s).*

**Docket No: L-10370-08 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER V**

This matter coming on for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on April 27, 2011 and the following firms appearing:

Levy Phillips Konigsberg	Nathaniel Falda, Esq.	Plaintiff(s)
Brach Eichler	David Klein, Esq.	
Breuninger & Fellman	Kathleen Ramalho, Esq.	National Automotive Parts Assoc.
Coughlin Duffy	Chip Miller, Esq.	Advance Stores
Drinker Biddle	Timothy Fraser, Esq.	The Glidden Co. d/b/a ICI Paints
German Gallagher	Michael Dolan, Esq.	CNH America
Gibbons	Mark R. Galdieri, Esq.	Honeywell
Goldberg Segalla	Bonnie Hanlon, Esq.	Robert Bosch, LLC
Hoagland Longo	Nora Grimbergen, Esq.	Borg Warner
Lynch Daskal Emery	Lois Kim, Esq.	Georgia Pacific
Margolis Edelstein	Jeanine D. Clark, Esq.	Goodrich
Marshall Dennehey		Pep Boys; Kaiser Gypsum
McElroy Deutsch	Brian Sorensen, Esq.	Eaton
McGivney Kluger	Thomas McNulty, Esq.	Dravo
O'Toole Fernandez	Gary Van Lieu, Esq.	Dana
Porzio Bromberg	Christopher P. DePhillips, Esq.	DuPont
Rivkin Radler	Anita Cohen, Esq.	Setco
Segal McCambridge	Ted Eder, Esq.	Clark Equipment
Smith Abbot	Mark Debrowski, Esq.	Pneumo Abex
Wilbraham Lawler	Tonya M. Harris, Esq.	Cummins Inc.

IT IS on this 28<sup>th</sup> day of April, 2011 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**

September 16, 2011 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.

September 16, 2011 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 30, 2011 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

October 21, 2011 Summary judgment motions limited to product identification issues shall be filed no later than this date.

November 18, 2011 Last return date for product identification summary judgment motions.

### **POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE**

December 13, 2011 @ 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.

### **LIABILITY EXPERT REPORTS**

October 14, 2011 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.

November 11, 2011 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

### **EXPERT DEPOSITIONS**

December 30, 2011 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            Final settlement conference.

January 30, 2012        Trial Date.

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

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc:        Clerk, Mass Tort  
            Brody Deposition Services  
            Priority One