

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

**Docket No:** L-3572-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ESTATE of ETHEL MARMO,  <i>Plaintiff(s),</i>
vs.
BRENNTAG NORTH AMERICA, 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 March 5, 2020:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Olivia Kelly	Plaintiff(s)
McCarter & English	Theresa A. Dill	Johnson & Johnson; Johnson & Johnson Consumer
Rawle & Henderson	Brian Lowenberg	Cyprus Amax Minerals Co. Cyprus Mines Corp.

IT IS on this 6<sup>th</sup> day of March 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.

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.

**EARLY SETTLEMENT**

April 17, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

April 17, 2020 Plaintiff shall serve medical expert reports by this date.

April 17, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 19, 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**

April 17, 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.

June 19, 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**

July 24, 2020            Summary judgment motions shall be filed no later than this date.

August 21, 2020        Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

April 17, 2020            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.

June 19, 2020            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**

September 25, 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            Settlement conference.

October 26, 2020        Trial 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