

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

Docket No: L-2403-15 (AS)

Civil Action

CASE MANAGEMENT ORDER VI

DONALD McDERMID,	<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 August 8, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Garrity Graham	Stephen Balsamo	United Conveyor Corp.
Hoagland Longo	Alyssa DeFuria	Industrial Welding Supply
Margolis Edelstein	Jeanine D. Clark	United Engineers; Woolsulate
McElroy Deutsch	Joseph LaSala	Burnham; ExxonMobil; Flowserve US, Inc.
McGivney Kluger	Joel Clark	Madsen & Howell; Resco; Alltite; Safeguard; Fairbanks
O'Toole Scrivo	Gary Van Lieu	E&B Mill
Pascarella DiVita	Gabriel Miller	Ingersoll Rand; Crane Co.; Trane
Ricci Tyrell	Nancy Green	Chicago Bridge & Iron
Segal McCambridge	Ted Eder	BW/IP
Speziali Greenwald	Joanne Hawkins	General Electric
Tanenbaum Keale	Afigo Fadahunsi	CBS/Westinghouse; Research Cottrell; Foster Wheeler
Tierney Law	Brian Garbacz	Elizabeth Industrial

IT IS on this 9th day of August, 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

October 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.

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

EARLY SETTLEMENT

November 3, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- November 3, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 17, 2017 Summary judgment motions shall be filed no later than this date.
- December 15, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

- January 19, 2018 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

- January 19, 2018 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.
- February 16, 2018 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

EXPERT DEPOSITIONS

- March 16, 2018 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

- October 31, 2017 The settlement conference previously scheduled on this date is **cancelled**.
- March 14, 2018 @ 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.
- April 16, 2018 Trial Date. *(The November 27, 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