

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

Docket No: **L-4708-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

JOSEPH & SUZANNE O'HARA, <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 September 7, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Christopher Placitella	Plaintiff(s)
Caruso Smith Picini	Marcia DePolo	Union Carbide
Hoagland Longo	Daniel Kuzmerski	Whittaker Clark & Daniels
McCullough Ginsberg	James Montano Damon T. Kamvosoulis	Okonite
Porzio Bromberg	Michelle Burke	Church & Dwight; Wallace Pharmaceuticals Inc.; Meda Pharmaceuticals Inc.

IT IS on this 8<sup>th</sup> day of **September, 2016**, 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 28, 2016 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 28, 2016 Depositions of corporate representatives shall be completed by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

November 4, 2016 Summary judgment motions shall be filed no later than this date.

December 2, 2016 Last return date for summary judgment motions.

## MEDICAL DEFENSE

November 18, 2016 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

October 28, 2016 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.

November 18, 2016 Okonite shall serve liability expert reports, if any, upon its third-party defendants by this date.

December 2, 2016 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.

December 19, 2016 Third-party defendants may serve liability expert reports, if any, by this date.

## ECONOMIST EXPERT REPORTS

October 28, 2016 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.

December 2, 2016 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

January 13, 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 20, 2016 @ 10:00am Conference with Special Master regarding any unresolved discovery disputes between parties. All parties are directed to meet and confer regarding any outstanding discovery issues prior to the meeting with the Special Master.

**September 30, 2016 @ 10:00am Settlement conference (with clients/carriers in person or available by telephone).**

November 3, 2016 @ 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.

January 25, 2017

Pretrial Information Exchange Form due.

January 30, 2017

**Trial-Ready** Date. (*The December 12, 2016 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