

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

**Docket No:** L-6690-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

EILEEN O'MARA, (Estate of William O'Mara),  vs.  3M COMPANY, et al	<i>Plaintiff(s),</i>     <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 18, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Drinker Biddle	Jack N. Frost	American Optical
Goldberg Segalla	H. Lockwood Miller	Scotts Technologies; Scott Health & Safety
Kent McBride	Jessica L. Lentini	Mine Safety Appliance Co.
Lavin O'Neil	Catherine Brunermer	3M Company
McElroy Deutsch	Michelle Hydusko	Quaker Safety Products Corp.
Swartz Campbell	Laura A. Bartow	Lakeland Industres / Fyrepel Products Inc.
Thompson Hine	Melissa Barrett	Honeywell Security Products; Honeywell International

IT IS on this 19<sup>th</sup> day of December, 2018, 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.

**DISCOVERY**

January 31, 2019	As to newly added defendants, plaintiff shall propound supplemental interrogatories and document requests by this date.
March 1, 2019	New defendants shall serve answers to supplemental interrogatories and document requests by this date.
January 31, 2019	New defendants shall propound supplemental interrogatories and document requests by this date.

March 1, 2019 As to newly added defendants, plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 30, 2019 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.

May 31, 2019 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

October 11, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **MEDICAL EXPERT REPORT**

July 31, 2019 Plaintiff shall serve medical expert reports by this date.

July 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 15, 2019 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**

July 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

November 15, 2019 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**

August 16, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 30, 2019 Summary judgment motions shall be filed no later than this date.

September 27, 2019 Last return date for summary judgment motions.

#### **ECONOMIST EXPERT REPORTS**

July 31, 2019 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.

November 15, 2019 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**

December 16, 2019 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.

January 13, 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

VACATED