

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

**Docket No:** L-4561-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

BILLIE & DELBERT PAGAKIS, <i>Plaintiff(s),</i>  vs.  BRENNTAG NORTH AMERICA, et al <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 October 12, 2018:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Jim Kramer	Plaintiff(s)
McCarter & English	Debra M. Perry	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Joel Clark	Whittaker Clark & Daniels
Rawle & Henderson	Susan Dean	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 15<sup>th</sup> day of **October, 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

**DISCOVERY**

- |                  |  |
|------------------|--|
| October 19, 2018 | Defendants shall serve answers to standard interrogatories by this date.                           |
| November 2, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| December 7, 2018 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| November 2, 2018 | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| December 7, 2018 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

January 31, 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.

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

### **EARLY SETTLEMENT**

March 29, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 29, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 12, 2019 Summary judgment motions shall be filed no later than this date.

May 10, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

March 29, 2019 Plaintiff shall serve medical expert reports by this date.

March 29, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 7, 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**

March 29, 2019 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.

June 7, 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.

### **ECONOMIST EXPERT REPORTS**

March 29, 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.

June 7, 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**

June 28, 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.  
July 22, 2019            Pretrial Information Exchange submissions due.  
July 29, 2019            Trial-Ready 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