

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

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| JOACHIM SCHWIEDOP, vs. 3M COMPANY, et al | <i>Plaintiff(s),</i> <i>Defendant(s).</i> |
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Docket No: **L-1125-14 (AS)**

Civil Action

CASE MANAGEMENT ORDER IX

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 4, 2016:

| FIRM | ATTORNEY | CLIENT |
|--------------------|---------------------------|--|
| Levy Konigsberg | Joseph J. Mandia | Plaintiff(s) |
| Eckert Seamans | Sarabeth Gaver | AO Smith |
| Gibbons PC | Mark R. Galdieri | Hoffman-LaRoche; Roche Laboratories |
| Gibbons PC | Christopher P. DePhillips | Alcatel-Lucent; AT&T |
| Landman Corsi | Jorkeell Echeverria | The Lincoln Electric Co. |
| Margolis Edelstein | Justin M. Bettis | John Crane; Verona |
| McElroy Deutsch | Joseph D. Rasnek | Exxon; Burnham |
| McGivney Kluger | Thomas McNulty | Weil McLain; Durametalllic; DAP; Duriron |
| Pascarella DiVita | Inge Cully | Rheem Mfg. |

IT IS on this 10th day of August, 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 17, 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 17, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 23, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- November 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 18, 2016 Summary judgment motions shall be filed no later than this date.
- December 16, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- November 11, 2016 Plaintiff shall serve medical expert reports by this date.
- January 17, 2017 Defendants shall identify its medical experts and serve medical expert 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

- November 11, 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.
- January 17, 2017 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

- November 11, 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.
- January 17, 2017 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

- February 10, 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

- December 15, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- February 7, 2017 @ 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.

March 13, 2017

Trial Date. (*The January 9, 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