

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

**Docket No: L-3636-17 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

MARIA VOJACK SMITH and ISAAC SMITH, <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 August 23, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Daniel LaTerra	Plaintiff(s)
Caruso Smith	Nicholas Albano	Union Carbide Co.
Goldberg Segalla	H. Lockwood Miller	Coty
Goldfein & Joseph	Willard Preston	Domco
Hawkins Parnell	Elizabeth Turley	Revlon, Inc.
Haworth Coleman	Brian Davis	L'Oreal; Maybeline
Hoagland Longo	Alyssa DeFuria	Whittaker Clark & Daniels
O'Toole Scrivo	Leslie Lombardy	Vanderbilt Minerals
Rawle & Henderson	Timothy Alexander	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 28<sup>th</sup> 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.

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 31, 2017   | Defendants shall serve answers to standard interrogatories by this date.                           |
| September 22, 2017 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| October 31, 2017   | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| September 22, 2017 | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| October 31, 2017   | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

January 31, 2018 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, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 20, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 2, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 16, 2018 Summary judgment motions shall be filed no later than this date.

April 13, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

December 29, 2017 Plaintiff shall serve medical expert reports by this date.

December 29, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 1, 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**

February 28, 2018 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.

May 1, 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.

### **ECONOMIST EXPERT REPORTS**

February 28, 2018 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.

May 1, 2018 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**

May 29, 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**

May 10, 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.

June 15, 2018 Pretrial Information Exchange submissions due.

June 25, 2018 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