

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

Docket No: L-2399-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

| | |
|-------------------|----------------------|
| CHARLES WAIVER, | <i>Plaintiff(s),</i> |
| vs. | |
| 3M COMPANY, 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 *February 8, 2018*:

| FIRM | ATTORNEY | CLIENT |
|----------------------|-------------------------------|---|
| Simmons Hanly | Laurence Nassif Jim Kramer | Plaintiff(s) |
| Connell Foley | Scott Press | PSE&G |
| Garrity Graham | Anthony Marino | United Conveyor |
| Gibbons PC | Phillip J. Duffy | Yuba Heat Transfer |
| Hardin Kundla | Cynthia Lee | Calon Insulation |
| Hoagland Longo | Amie Kalac | WW Grainger |
| Lavin O'Neil | Catherine Brunermer | 3M Co. |
| Leader & Berkon | Joseph Fontak | Spirax Sarco; Copes Vulcan |
| Lynch Daskal | Andrew Mundo | Gerard Packing |
| Margolis Edelstein | Joshua Sonstein | John Crane Inc. |
| Maron Marvel | Lina C. Flanigan | Industrial Holdings Corp. |
| Marshall Dennehey | Paul Johnson | Riley Power |
| McGivney Kluger | Joel Clark | Madsen & Howell; Raritan Supply; Durametalllic; Detroit Stoker |
| Pascarella DiVita | John S. McGowan | Crane Co.; Trane US Inc. |
| Rawle & Henderson | Linda Dobbins | Henkels & McCoy |
| Styliades Mezzanotte | Alphonso Ibrahim | HM Royal |
| Vasios Kelly | Thomas J. Kelly, Jr. | Armstrong International |
| Wilbraham Lawler | Benjamin Salvina | Air & Liquid Systems (Buffalo Pumps) |
| Wildstein Law Firm | Mel Shuster | Tri-City Insulation |

IT IS on this 12th day of **February, 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.

DISCOVERY

April 30, 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.

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

EARLY SETTLEMENT

June 8, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

June 8, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 22, 2018 Summary judgment motions shall be filed no later than this date.

July 20, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

June 1, 2018 Plaintiff shall serve medical expert reports by this date.

June 1, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 7, 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

June 1, 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.

September 7, 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.

EXPERT DEPOSITIONS

October 9, 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

April 27, 2018 The settlement conference previously scheduled on this date is **cancelled**.

October 17, 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.

November 13, 2018 Trial Date. (*The June 25, 2018 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