

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

**Docket No:** L-2854-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IV**

ESTATE of MARY WILLIA,  <i>Plaintiff(s),</i>
vs.
BASF CATALYSTS LLC, 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 January 10, 2020:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Joseph J. Mandia	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
Dilworth Paxson	Patrick J. Dwyer	MW Custom Papers LLC
DLA Piper	Adam A. DeSipio	BASF Catalysts LLC; Porsche Cars NA Inc.
Gibbons PC	Ethan Stein	Honeywell International, Inc.
Herzfeld Rubin	Nadine Kohane	Volkswagon Group of America
O'Toole Scrivo	Gary Van Lieu	Colgate Palmolive
Tanenbaum Keale	Pamela R. Kaplan	Borg Warner Morse Tec

IT IS on this 13<sup>th</sup> day of January 2020, *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**

- May 15, 2020      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 15, 2020      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- November 20, 2020      Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

- July 15, 2020 Plaintiff shall serve medical expert reports by this date.
- July 15, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 18, 2020 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**

- August 14, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- September 25, 2020 "Talc" 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.
- December 18, 2020 "Non-Talc" 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**

- October 2, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 16, 2020 Summary judgment motions shall be filed no later than this date.
- November 13, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- August 14, 2020 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.
- December 18, 2020 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**

- January 29, 2021 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.

February 22, 2021

Trial Date. (*The August 31, 2020 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