

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

|  |
|--|
| <p>ESTATE OF FRANK ZELESNIK,<br/> <i>Plaintiff(s),</i></p> <p>vs.</p> <p>3M COMPANY, et al<br/> <i>Defendant(s).</i></p> |
|--|

Docket No: **L-4617-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 10, 2015:

| FIRM               | ATTORNEY                | CLIENT                                |
|--------------------|-------------------------|---------------------------------------|
| Levy Konigsberg    | Joseph J. Mandia        | Plaintiff(s)                          |
| Caruso Smith       | Marcia DePolo           | CertainTeed; Union Carbide            |
| Clemente Mueller   | Jessie Christine Basner | William Powell Co.                    |
| Drinker Biddle     | Julie Tersigni          | Neles-Jamesbury Inc.                  |
| Hoagland Longo     | Daniel Kuszmerski       | Goulds Pumps                          |
| Kent McBride       | Ravi Shah               | Binsky                                |
| Lynch Daskal       | Alexander Ober          | Georgia Pacific                       |
| Margolis Edelstein | J. Edmund Bryak         | Central Jersey Supply                 |
| Marshall Dennehey  | Paul Johnson            | Warren Pumps; Kaiser Gypsum           |
| Pascarella DiVita  | Brad Bishop             | Ingersoll Rand; Crane                 |
| Reilly Janiczek    | Michelle Cappuccio      | ITT Corp.                             |
| Sedgwick LLP       | Afigo Fadahunsi         | Foster Wheeler; CBS; General Electric |
| Wilbraham Lawler   | Elizabeth deBerardinis  | Unilever                              |

IT IS on this 13<sup>th</sup> day of April, 2015 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**

September 30, 2015 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 30, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 13, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 11, 2015 Summary judgment motions shall be filed no later than this date.

January 8, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 30, 2015 Plaintiff shall serve medical expert reports by this date.

October 30, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 12, 2016 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

October 30, 2015 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.

February 12, 2016 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**

December 18, 2015 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.

February 12, 2016 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 29, 2016 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 8, 2015

The settlement conference previously scheduled on this date is **cancelled**.

September 16, 2015

The settlement conference previously scheduled on this date is **cancelled**.

February 24, 2016 @ 1:30pm

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 21, 2016

Trial Date. *(The October 13, 2015 trial is adjourned to this date.)*

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*ANA C. VISCOMI*  
ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One