

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

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

Civil Action

CASE MANAGEMENT ORDER V

ESTATE OF FRANK ZELESNIK, <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 *December 10, 2015*:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Clemente Mueller	Jessie Christine Basner	William Powell Co.
Drinker Biddle	Jack N. Frost, Jr.	Neles-Jamesbury Inc.
Kent McBride	Ravi Shah	Binsky
Lynch Daskal	Kate Romcik	Georgia Pacific
Margolis Edelstein	Dawn Dezii	Central Jersey Supply
Marshall Dennehey	Paul Johnson	Warren Pumps; Kaiser Gypsum
McElroy Deutsch	Joseph D. Rasnek	Flowsolve US Inc.; Exxon
Pascarella DiVita	Michael A. Posavetz	Ingersoll Rand; Crane
Sedgwick LLP	Bridget Polloway	Foster Wheeler; CBS

IT IS on this 10<sup>th</sup> day of **December, 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**

April 15, 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.

April 15, 2016 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

June 17, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- April 29, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 13, 2016 Summary judgment motions shall be filed no later than this date.
- June 10, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- May 16, 2016 Plaintiff shall serve medical expert reports by this date.
- May 16, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- July 15, 2016 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

- May 16, 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.
- July 15, 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**

- May 16, 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.
- July 15, 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**

- August 5, 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**

- April 6, 2016 The settlement conference previously scheduled on this date is **cancelled**.

August 2, 2016 @ 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.

August 29, 2016

Trial Date. (*The May 2, 2016 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