

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

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

**Civil Action**

**CASE MANAGEMENT ORDER XIII**

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 *November 27, 2018*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Konigsberg	Brendan Little	Plaintiff(s)
Caruso Smith Picini	Marcia DePolo	CertainTeed; Union Carbide
Margolis Edelstein	Nicholas Sulpizio	Central Jersey Supply
Marshall Dennehey	Paul Johnson	Warren Pumps
McElroy Deutsch	Nancy McDonald	Flowsolve US Inc.; Exxon
McGivney Kluger	Kevin Hoffman	Binsky & Snyder
Pascarella DiVita	Madelyn Iulo	Ingersoll Rand; Crane
Tanenbaum Keale	Afigo Fadahunsi	CBS Corp.

IT IS on this 28<sup>th</sup> day of **November, 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*.

**EARLY SETTLEMENT**

February 28, 2019 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.

February 28, 2019 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

July 19, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- May 31, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 14, 2019 Summary judgment motions shall be filed no later than this date.
- July 12, 2019 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- May 15, 2019 Plaintiff shall serve medical expert reports by this date.
- May 15, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 13, 2019 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

## **LIABILITY EXPERT REPORTS**

- May 15, 2019 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 13, 2019 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 15, 2019 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.
- September 13, 2019 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**

- October 11, 2019 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.

November 12, 2019 (*Tuesday*) Trial Date. (*The May 13, 2019 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