

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

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

**Civil Action**

**CASE MANAGEMENT ORDER XIV**

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 *February 26, 2019*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Caruso Smith Picini	Lisa Massimi	CertainTeed; Union Carbide
Drinker Biddle	Jack Frost	Neles-Jamebury
Margolis Edelstein	Nicholas Sulpizio	Central Jersey Supply
Marshall Dennehey	Paul Johnson	Warren Pumps
McElroy Deutsch	Michelle Hydrusko	Flowsolve US Inc.; Exxon
McGivney Kluger	Joel Clark	Binsky & Snyder
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Tanenbaum Keale	Pamela R. Kaplan	CBS Corp.
Wilbraham Lawler	Josette F. Spivak	Unilever (discovery only)

IT IS on this 4<sup>th</sup> day of **March, 2019** 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.

**EARLY SETTLEMENT**

May 31, 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.

May 31, 2019            Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

November 8, 2019        Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

July 31, 2019            Plaintiff shall serve medical expert reports by this date.

July 31, 2019            Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 1, 2019        Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

July 31, 2019            Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

November 1, 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.

**SUMMARY JUDGMENT MOTION PRACTICE**

August 16, 2019        Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 30, 2019        Summary judgment motions shall be filed no later than this date.

September 27, 2019     Last return date for summary judgment motions.

**ECONOMIST EXPERT REPORTS**

July 31, 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.

November 1, 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**

December 6, 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.

January 13, 2020                      Trial Date. (*The November 12, 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