

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

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

Civil Action

CASE MANAGEMENT ORDER IX

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 May 25, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Drinker Biddle	Jack N. Frost, Jr.	Neles-Jamesbury, Inc.
Lynch Daskal	Troy Cunningham	Georgia Pacific
Margolis Edelstein	Lawrence Buris	Central Jersey Supply
Marshall Dennehey	Brielle Kovalchek	Warren Pumps
McElroy Deutsch	Joseph D. Rasnek	Flowsolve US Inc.; Exxon
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Crane
Tanenbaum Keale	David Blow	CBS Corp.
Wilbraham Lawler	Matthew Jones	Unilever

IT IS on this 26th day of May, 2017 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

October 31, 2017 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.

November 30, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

November 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- December 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- January 19, 2018 Summary judgment motions shall be filed no later than this date.
- February 16, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

- January 8, 2018 Plaintiff shall serve medical expert reports by this date.
- January 8, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- March 30, 2018 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- January 8, 2018 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.
- March 30, 2018 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

- January 8, 2018 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.
- March 30, 2018 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

- April 27, 2018 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

- December 7, 2017 @ 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.

March 27, 2018 @ 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.

May 29, 2018 (*Tuesday*)

Trial Date. (*The January 16, 2018 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