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

Norma Dwyer
(Estate of John Dwyer)
Plaintiff(s),

vs.

3M Company, Inc., et al.
Defendant(s).

(Cohen)

Docket No: L- 3751-12 (AS)

Civil Action

CASE MANAGEMENT ORDER
II

This matter coming on for a Case Management Conference with Special Master, Agatha N. Dzikiewicz,

on March 1, 2013

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.

Defense counsel shall notify plaintiffs' counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

These matters are hereby consolidated for discovery, case management and trial.

PLEADINGS

_____2013 The time by which plaintiff may serve summons and complaint upon defendant(s) _____ is extended to this date.

_____2013 The time by which defendant _____ may file an answer to the complaint is extended to this date.

_____2013 The complaint is hereby amended to reflect wrongful death claim on behalf of plaintiff _____ and to name _____ as executor(trix) of the estate. Any defendants having previously filed an answer to the complaint are hereby deemed to have filed an amended answer to the complaint without any further filing.

DISCOVERY

_____2013	Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
_____2013	Plaintiff shall serve answers to wrongful death interrogatories (and serve wrongful death reports) by this date.
_____2013	If answers to standard interrogatories were served prior to the initial case management conference and did not include identification of fact witnesses, supplemental / amended answers to interrogatories identifying fact witnesses shall be served by this date.
_____2013	Plaintiff shall provide answers to standard interrogatories and all prior discovery to all new defendants by this date.
_____2013	A limited deposition of the plaintiff shall be conducted by this date. It shall be limited to a direct exam as to product identification by counsel representing defendants impleaded into this matter after the plaintiff's deposition was originally taken. In the event additional product identification testimony is elicited, other counsel may cross-examine plaintiff. In addition, any counsel may inquire as to plaintiff's health status.
_____2013	Defendants shall serve answers to standard interrogatories by this date.
_____2013	Plaintiff shall propound supplemental interrogatories and document requests by this date.
4/30 2013	Defendants shall serve answers to supplemental interrogatories and document requests by this date.
_____2013	Defendants shall propound supplemental interrogatories and document requests by this date.
3/29 2013	Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
_____2013	Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.
5/31 2013	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.
6/28 2013	Depositions of corporate representatives shall be completed by this date.

_____2013 Any and all documents responsive to Notices to Produce shall be produced at least one week prior to a corporate representative's deposition, if not produced in accordance with deadlines set forth for responses to document requests.

CASE MANAGEMENT CONFERENCE

_____2013 @_____ Case Management Conference is scheduled before the Special Master.

EARLY SETTLEMENT

7/12 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

_____2013 @_____ Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

7/26 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

8/23 2013 Last return date for product identification summary judgment motions.

OTHER MOTIONS

Th, 8/15 2013 Filing date.

Th, 9/12 2013 Return date.

POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE

10/2 2013 @ 10 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.
Case Management Conference to follow, if necessary.

MEDICAL DEFENSE

_____2013 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

_____2013 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

_____2013 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

_____2013 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

6/28 2013 Plaintiff shall serve additional medical expert reports by this date.

_____2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

_____2013 The defense medical examination of plaintiff(s) shall be completed by this date.

9/27 2013 Defendants shall identify its medical experts and serve medical reports, if any, by this date.

LIABILITY EXPERT REPORTS

9/27 2013 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.

10/25 2013 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.

_____2013 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

ECONOMIST EXPERT REPORTS

9/27 2013 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.

10/25 2013 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

11/15 2013 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

11/15 2013 @ 10	Final 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.
_____ 2013	Pretrial Information Exchange Form.
12/2 2013	Trial Date.

VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort