

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

CATHERINE MOORE,  
(Estate of ROBERT MOORE),  
*Plaintiff(s),*  
vs.  
3M COMPANY, et al  
*Defendant(s).*

Docket No: **L-7152-12 (AS)**

Civil Action

CASE MANAGEMENT ORDER IX

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 29, 2015:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph Mandia	Plaintiff(s)
Budd Lerner	Terence W. Camp	Goodyear Tire & Rubber Co.
Caruso Smith Picini	Joyce Min	Union Carbide; CertainTeed
Kent McBride	David Rutkowski	Keyport Lumber
Lynch Daskal	Alexandra Ober	Georgia Pacific
Marshall Dennehey	Lisa Only	Kaiser Gypsum
McGivney Kluger	Jennifer Hally	DAP, Inc.
O'Toole Fernandez	Joshua Lichtenstein	RT Vanderbilt Co.
Vasios Kelly	Thomas J. Kelly, Jr.	Bird

IT IS on this 30<sup>th</sup> day of September, 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**

December 31, 2015 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.

January 29, 2016 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

April 15, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- February 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 4, 2016 Summary judgment motions shall be filed no later than this date.
- April 1, 2016 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- January 29, 2016 Plaintiff shall serve medical expert reports by this date.
- May 16, 2016 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date. **In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.**

## **LIABILITY EXPERT REPORTS**

- January 29, 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.
- May 16, 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**

- January 29, 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.
- May 16, 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**

- May 31, 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**

- March 16, 2016 The settlement conference previously scheduled on this date is **cancelled**.

May 19, 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.

June 20, 2016

Trial Date. (*The April 18, 2015 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