

# NOTICE TO THE BAR

## MASS TORTS – ASBESTOS LITIGATION

A previous notice advised of the application made to the Supreme Court for designation of all New Jersey state court asbestos litigation as a mass tort and assignment of that litigation for centralized management to Judge Ann G. McCormick in Middlesex County. That application was submitted pursuant to *Rule* 4:38A and the Revised Mass Tort Guidelines as promulgated by Directive #10-07 and was published for comment. The Court received one comment regarding the application. This notice is to advise that the Supreme Court, after considering the application and the comment, has designated all state court asbestos litigation as a mass tort and has assigned it to Judge McCormick for centralized management. Published with this notice are the Supreme Court's April 8, 2008 Order as well as Judge McCormick's April 8, 2008 Case Management Order. Both Orders are also posted in the Mass Tort Information Center on the Judiciary's Internet web site ([www.njcourtsonline.com](http://www.njcourtsonline.com)).

Questions concerning this matter may be directed to Michelle V. Perone, Esq., Chief, Civil Court Programs, Administrative Office of the Courts, Hughes Justice Complex, P.O. Box 981, Trenton, New Jersey 08625-0981; telephone (609) 984-5431; email address [michelle.perone@judiciary.state.nj.us](mailto:michelle.perone@judiciary.state.nj.us).

/s/ Philip S. Carchman

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Philip S. Carchman, P.J.A.D.  
Acting Administrative Director of the Courts

**Dated: April 11, 2008**

## SUPREME COURT OF NEW JERSEY

On application made pursuant to *Rule* 4:38A and the Mass Tort Guidelines promulgated by Directive #10-07 in accordance with that Rule, it is hereby ORDERED that all pending and future state court actions seeking damages or other relief arising out of alleged exposure to asbestos are designated as a mass tort for centralized case management purposes; and

It is FURTHER ORDERED that any and all such complaints that have been filed in any other county shall be transferred to Superior Court, Law Division, Middlesex County and assigned to the Superior Court Judge Ann G. McCormick, with the assistance of Special Master Agatha N. Dzikiewicz; and that, pursuant to *N.J. Const.* (1947), Art. VI, sec. 2, par. 3, the provisions of *Rule* 4:3-2 governing venue in the Superior Court are supplemented and relaxed so that all future such complaints, no matter where they might be venued, shall be filed in Middlesex County and assigned to Judge McCormick; and

It is FUTURE ORDERED that Judge McCormick shall oversee all management and trial issues in these matters; and

It is FURTHER ORDERED that no Mediator or other Master may be appointed in this litigation without the express prior approval of the Chief Justice.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: April 8, 2008

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 601

CIVIL ACTION

CASE MANAGEMENT ORDER

IN RE: ASBESTOS LITIGATION

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APPLICABLE TO ALL CASES

**It appearing** that all asbestos cases are centralized for management in Middlesex County by Order of the Supreme Court of New Jersey, dated April 8, 2008;

**And it further** appearing that an equitable, economic and expedient resolution of these cases require an orderly management plan for this litigation; and therefore

**IT IS ON THIS 10th day of APRIL, 2008, ORDERED as follows:**

**I. GENERAL APPLICABILITY**

1. This Order applies to all cases transferred to Middlesex County pursuant to the Supreme Court Order of April 8, 2008. The cases are centralized to avoid duplication and to prevent conflicts. These actions are not consolidated. Each case will retain its own docket number.
2. These cases shall be governed by the procedures utilized in Middlesex County asbestos litigation, as set forth in the General Order contained in the Manual for Asbestos Cases, found on the judiciary website at [www.judiciary.state.nj.us/mass-tort/asbestos/index.htm](http://www.judiciary.state.nj.us/mass-tort/asbestos/index.htm).
3. All court files shall be transferred from the original vicinage of venue to the Middlesex County Mass Tort Clerk's Office as soon as practicable along with a list of all cases being transferred from the original vicinage.
4. All orders by transferor Courts imposing dates for pleadings or discovery are vacated.
5. All pleadings shall be filed with the Clerk – Mass Tort Litigation, Middlesex County Courthouse, P.O. Box 2690, 56 Paterson Street, New Brunswick, NJ 08903. All pleadings shall include “Civil Action – Asbestos Litigation” in the caption.
6. Counsel for plaintiffs shall provide to the Court, either prior to or at the initial meeting scheduled on May 8, 2008, a list of their inventory of active cases, including case name, docket number, and a list of all parties in each case. For each defendant, counsel must be identified by name, firm name, address, telephone number, fax number and e-mail address. Plaintiffs' counsel shall also advise the Court whether their inventory of cases may be consolidated either by trade/occupation or work site.

Furthermore, plaintiffs' counsel shall submit to the Court and serve on all defense counsel by June 2, 2008 Plaintiff's Initial Fact Sheet (Attachment A to the General Order).

7. Orders and notices common to the entire litigation are available on the Judiciary web page for Mass Tort Litigation, which may be accessed at [www.judiciary.state.nj.us/mass-tort/index.htm](http://www.judiciary.state.nj.us/mass-tort/index.htm).

## **II. INITIAL MEETING WITH JUDGE McCORMICK**

The Honorable Ann G. McCormick will hold an in-person initial meeting on May 8, 2008 @ 10 a.m. at Middlesex County Courthouse, Courtroom 304, 56 Paterson Street, New Brunswick, New Jersey. All counsel whose cases are subject to transfer to Middlesex County from their original vicinage, pursuant to the Supreme Court Order, dated April 8, 2008, shall attend.

/s/ Ann G. McCormick

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ANN G. McCORMICK, J.S.C.