

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

Docket No: **L-3922-15 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of THEODORE BABICH, <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 October 7, 2015:

FIRM	ATTORNEY	CLIENT
Seeger Weiss	Nathaniel Falda	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Marcia DePolo	Union Carbide
Gibbons PC	Robert Brown	Honeywell Int'l
Goldberg Segalla	Leah A. Brndjar	Robert Bosch, LLC; McCord
Greenbaum Rowe	Brian Kornbrek	Honda
Landman Corsi	Joseph Tomaino	Federal Mogul
Lavin O'Neil	Julianne Jayson	3M Company
Lavin O'Neil	Kristen Jones	Nissan North American, Inc.; Toyota Motor Sales, USA, Inc.
LeClari Ryan	Michael Goldklang	Ford
Lynch Daskal	Dan Gagliardi	Luk Clutch Systems, LLC
O'Toole Fernandez	John V Kelly, III	Dana
Porzio Bromberg	Pamela Kaplan	BMW of North America, LLC
Rawle & Henderson	David Samlin	Volvo Group of North America, LLC
Segal McCambridge	Audrey O. Anyaele	BW/IP

IT IS on this 7th day of **October, 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.

Defense counsel shall notify plaintiff's 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.

DISCOVERY

January 8, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.

November 6, 2015 Defendants shall serve answers to standard interrogatories by this date.

December 7, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

December 7, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

January 8, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 31, 2016 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.

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

EARLY SETTLEMENT

May 13, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

May 13, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 27, 2016 Summary judgment motions shall be filed no later than this date.

June 24, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

November 6, 2015 Plaintiff shall serve executed medical authorizations by this date.

December 4, 2015 Plaintiff shall serve medical expert reports by this date.

December 4, 2015 **Upon request by defense counsel**, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 31, 2016 Defendants shall identify its medical experts and serve medical 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

July 15, 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.

August 31, 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

July 15, 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.

August 31, 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

September 23, 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

September 23, 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.

October 17, 2016 Trial 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