

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

**Docket No:** L-2911-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

MICHELLE & RICHARD CHAPMAN, <i>Plaintiff(s),</i>
vs.
BASF CATALYSTS LLC, 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 7, 2018:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Darren Berquist	Plaintiff(s)
DLA Piper	Stephen Barrett	BASF Catalysts
Drinker Biddle	Shane O'Connell	Johnson & Johnson; Johnson & Johnson Consumer Inc.
Gibbons PC	Ethan Stein	Honeywell International
Hawkins Parnell	Manuel A. Guevara	Pneumo Abex
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
LeClair Ryan	Adam Husik	Ford Motor Co.
Lewis Brisbois	Kathleen Marron Trabold	Rio Tinto Ltd.
McMahon Martine	Melissa Ryan Reitberg	Personal Care Products Council
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America
Tanenbaum Keale	Arshia Hourizadieh	Borg Warner

IT IS on this 9<sup>th</sup> day of May, 2018, *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**

- May 18, 2018            Johnson & Johnson shall provide a date for the deposition of its corporate representative by this date.
- May 18, 2018            Johnson & Johnson shall provide verification pages to supplemental discovery requests by this date.
- May 18, 2018            Imerys Talc America shall provide a date for the continuation of Julie Pier's deposition by this date.
- May 18, 2018            Imerys Talc America shall identify corporate representative(s) for the additional topics in plaintiff's deposition notice not addressed by Ms. Pier by this date.
- June 29, 2018            Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 10, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 22, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 6, 2018 Summary judgment motions shall be filed no later than this date.

August 3, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 11, 2018 Plaintiff shall serve medical expert reports by this date.

May 11, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 7, 2018 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**

June 15, 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.

September 7, 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**

May 31, 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.

September 7, 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**

October 5, 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**

September 5, 2018                    The settlement conference previously scheduled on this date is **cancelled**.

October 2, 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.

October 29, 2018                    Pretrial Information Exchange submissions due.

November 5, 2018                    Trial-Ready Date. (*The October 9, 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