

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

**Docket No:** L-7311-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ESTATE of EULLY COOPER,  <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 August 31, 2018:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Simmons Hanly	Laurence Nassif	Plaintiff(s)
Fox Rothschild	Thomas Mastroianni	GATX Corp.
Lavin O'Neil	Catherine Brunermer	3M Company
Maron Marvel	Lina C. Flanigan	Industrial Holdings Corp.
McGivney Kluger	Joel Clark	Whittaker Clark & Daniels
Pascarella DiVita	Bradley E. Bishop	Crane Co.
Rawle & Henderson	Susan Dean	Imerys Talc America

IT IS on this 4<sup>th</sup> day of **September, 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**

- December 31, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 31, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 28, 2019 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.
- March 29, 2019 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- July 26, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

June 7, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 21, 2019 Summary judgment motions shall be filed no later than this date.

July 19, 2019 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

May 17, 2019 Plaintiff shall serve medical expert reports by this date.

May 17, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 30, 2019 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**

May 17, 2019 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 30, 2019 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.

## **EXPERT DEPOSITIONS**

September 30, 2019 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**

To be scheduled Settlement conference.

October 28, 2019 Trial Date. *(The March 25, 2019 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