

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

**Docket No:** L-6635-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

LEONARD & KATHLEEN WENDOWSKI, <i>Plaintiff(s),</i>
vs.
IMERYYS TALC AMERICA, 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 March 1, 2018:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis Geier	Plaintiff(s)
Caruso Smith	Alexandra Caruso	Union Carbide
Drinker Biddle	Shane O'Connell	Johnson & Johnson; Johnson & Johnson Consumer
Hoagland Longo	Amie Kalac	Whittaker Clark & Daniels
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 5<sup>th</sup> day of March, 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.

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**

- |                |  |
|----------------|--|
| May 1, 2018    | Plaintiff shall serve answers to wrongful death interrogatories by this date.                      |
| April 16, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| May 31, 2018   | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| April 16, 2018 | Defendants shall propound supplemental interrogatories and document requests by this date.         |

May 31, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

November 2, 2018 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.

November 2, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 14, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 14, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 18, 2019 Summary judgment motions shall be filed no later than this date.

February 15, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 1, 2018 Plaintiff shall serve updates medical authorizations by this date.

December 14, 2018 Plaintiff shall serve medical expert reports by this date.

December 14, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 29, 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**

December 14, 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.

March 29, 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**

April 26, 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.

May 28, 2019 (*Tuesday*)              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