

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

**Docket No:** L-5558-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER IV**

DAVID WILLIAMS (Estate of Nancy Williams),  vs.  3M COMPANY, et al	<i>Plaintiff(s),</i>     <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 13, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Locks Law Firm	Melanie Garner	Plaintiff(s)
Caruso Smith	Kathleen Ramalho	CertainTeed
Clyde & Co.	Kevin Turbert	Burnham LLC
Delany McBride	Lisa Massimi	Peerless Ind.
Eckert Seamans	Michael A. Posavetz	AO Smith Water Products Co.
Hack Piro	Daniel Dorfman	HB Smith
Harwood Lloyd	Victoria D. Silva	Carlisle Industrial Brake & Friction
Hoagland Longo	Daniel Kuzmerski	Kohler Co.; Essex Plumbing
Landman Corsi	Jessica Lomia	Fel-Pro; ECR
Lavin Cedrone	Catherine Brunermer	3M Co.
LeClair Ryan	Gary M. Sapir	Ford Motor Co.
Lewis Brisbois	Mark Wasef	Henkel Corp.
Lucosky Brookman	Norman J. Golub	Slant Fin Corp.
Margolis Edelstein	Jeff Hall-Gale	General Plumbing Supply
Marshall Dennehey	Adam Fogarty	Jaeger Lumber; Pep Boys
McGivney Kluger	Caitlin Bodtmann	DAP; Weil McLain
Methfessel Werbel	Charles T. McCook, Jr.	AutoZone
Pascarella DiVita	Bradley F. Bishop	Trane US
Rawle & Henderson	Joshua Lichtenstein	Hajoca
Segal McCambridge	Michael Testa	Tenneco Inc.
Swartz Campbell	Laura A. Bartow	Samuels, Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.
Wilbraham Lawler	Lynn Roberts	Karnak Corp.

IT IS on this 13<sup>th</sup> day of March, 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

### **DISCOVERY**

May 31, 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.

May 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 2, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

May 31, 2019 Plaintiff shall serve medical expert reports by this date.

May 31, 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 5, 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 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

August 5, 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 2, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 16, 2019 Summary judgment motions shall be filed no later than this date.

September 13, 2019 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

May 31, 2019 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 5, 2019 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 11, 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**

September 5, 2019      The settlement conference previously scheduled on this date is **cancelled**.

October 9, 2019 @ 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.

November 12, 2019 (*Tues.*)      Trial Date. (*The October 7, 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