

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

**Docket No: L-1975-12 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**  
**Revised**

DAWN AUBE (Estate of Joseph Claffy),  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 *February 19, 2014*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Budd Lerner	Dan Feuerstein	Goodyear
Caruso Smith	Stacey Lee Trien	HB Fuller; Union Carbide
Connell Foley	Patrick J. Hughes	Evonik Corp.
Garrity Graham	Anthony Marino	United Conveyor
Goldfein & Joseph	Madhurika Jeremiah	ACL; Atlas
Hack Piro	Christine McCarthy	Johansen
Kent McBride	R. Shah	Moon
Margolis Edelstein	Joni Tarchichi	John Carne, Inc.; Central Jersey
McGivney Kluger	Joel Clark	Madsen & Howell; Raritan Supply
Tierney Law Office	Kellie Hannum	Elizabeth Industrial Supply

IT IS on this 25<sup>th</sup> day of , 2014 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**

March 31, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 30, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

May 30, 2014 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.

June 30, 2014 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

June 16, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

July 18, 2014 @ 10:00am Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 25, 2014 Summary judgment motions shall be filed no later than this date.

August 22, 2014 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

May 30, 2014 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

June 30, 2014 Plaintiff shall serve medical expert reports by this date.

September 30, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

September 30, 2014 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.

October 31, 2014 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**

November 14, 2014 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**

November 13, 2014 @ 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.

December 1, 2014 Trial Date.

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One