

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

**Docket No: L-3922-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER IV**

DONNA BABICH ESTATE of THEODORE BABICH,  <i>Plaintiff(s),</i>  vs.  3M COMPANY, et al  <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 October 31, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Erica Cesaro	Plaintiff(s)
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Marcia DePolo	Union Carbide
Fishkin Lucks LLP	Steven Lucks	AP Exhaust
Gibbons PC	Robert Brown	Honeywell Int'l
Goldberg Segalla	Robert Hanlon, Sr.	Robert Bosch, LLC; McCord
Greenbaum Rowe	Thomas Murphy	Honda
Hawkins Parnell	Edward P. Abbot	Pneumo Abex LLP
Landman Corsi	Alex Marcus	Federal Mogul
Lavin O'Neil	Catherine Brunermer	3M Company
Lavin O'Neil	Kristen Maseo	Nissan North America, Ind.; Toyota Motor Sales, USA, Inc.
LeClair Ryan	John A. Soltesz, III	Ford
Lynch Daskal	Elissa Regev	Luk Clutch Systems, LLC
McElroy Deutsch	Joseph D. Rasnek	Arvin Meritor
O'Toole Fernandez	Gary Van Lieu	Dana; Akebono
Porzio Bromberg	Jeffrey Pypczynski	BMW of North America, LLC
Rawle & Henderson	Jamie L. Augustinsky	Volvo Group of North America, LLC
Segal McCambridge	Michael F. Gorman	BW/IP

IT IS on this 2<sup>nd</sup> day of **November, 2016**, 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**

November 15, 2016 Plaintiff shall provide answers to standard interrogatories and all prior discovery to all new defendants by this date.

December 2, 2016 Defendants shall serve answers to standard interrogatories by this date.

January 6, 2017 Plaintiff shall propound supplemental interrogatories and document requests on new defendants by this date.

February 6, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

January 6, 2017 New defendants shall propound supplemental interrogatories and document requests by this date.

February 6, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

March 17, 2017 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 5, 2017 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

May 12, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

March 31, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 4, 2017 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 16, 2017 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 4, 2017 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**

- June 16, 2017            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 4, 2017            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**

- August 31, 2017            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**

- March 21, 2017            The settlement conference previously scheduled on this date is **cancelled**.
- August 24, 2017 @ 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.
- September 25, 2017            Trial Date. (*The April 24, 2017 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