

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

**Docket No: L-4394-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

|   |
|---|
| WILLIAM & MERIKE BIERBRUNNER,<br><i>Plaintiff(s),</i> |
| vs.   |
| 3M COMPANY, et al<br><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 7, 2017:

| <b>FIRM</b>             | <b>ATTORNEY</b>     | <b>CLIENT</b>                                 |
|-------------------------|---------------------|---|
| Cohen Placitella & Roth | Rachel Placitella   | Plaintiff(s)                                  |
| Breuninger & Fellman    | Raymond Chow        | Genuine Parts Co.                             |
| DeCotiis Fitzpatrick    | Michael Moroney     | Spirax Sarco                                  |
| Eckert Seamans          | Robert McGuire      | AO Smith Water Products                       |
| Gibbons PC              | Mark R. Galdieri    | Honeywell International                       |
| Hardin Kundla           | Nicea D'Annunzio    | Wallace Supply Co.                            |
| Harwood Lloyd           | John S. Guerin      | Carlisle Industrial Brake & Friction          |
| Hawkins Parnell         | Michael F. Gorman   | Pneumo Abex                                   |
| LeClair Ryan            | John Soltesz        | Ford  |
| Margolis Edelstein      | Dawn Dezii          | John Crane; Goodrich                          |
| Marks O'Neill           | Sebastian Goldstein | Superior Boiler Works                         |
| Mayfield Turner         | Adam Fogarty        | Carrier Corp.                                 |
| McCarter & English      | Elizabeth Monahan   | Fisher Controls International                 |
| McElroy Deutsch         | Joseph D. Rasnek    | Rockwell Automation                           |
| McGivney Kluger         | Thomas McNulty      | Weil McLain; JA Sexauer; DAP; ACE Hardware    |
| O'Toole Fernandez       | Franklin D. Paez    | Dana  |
| Pascarella DiVita       | Cory Simmons-Edler  | Ingersoll Rand; Trane; Crane Co.              |
| Reilly Janiczek         | Adranna Exler       | Aurora Pump; Cleaver Brooks                   |
| Sweet Pasquarelli       | Matthew Minor       | Bridgeton Plumbing & Heating                  |
| Tanenbaum Keale         | Maryam Meseha       | Borg Warner; Foster Wheeler; General Electric |

IT IS on this 8<sup>th</sup> day of March, 2017, 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

May 31, 2017 Depositions of corporate representatives shall be completed by this date.

## EARLY SETTLEMENT

March 21, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

April 25, 2017 @ 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

June 9, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 23, 2017 Summary judgment motions shall be filed no later than this date.

July 21, 2017 Last return date for summary judgment motions.

## MEDICAL DEFENSE

August 31, 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

July 7, 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 31, 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.

## EXPERT DEPOSITIONS

September 22, 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

April 13, 2017 The settlement conference previously scheduled on this date is **cancelled**.

September 26, 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.

October 23, 2017

Trial Date. (*The June 5, 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