

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

**Docket No: L-6179-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ROBERT & CINDY BORNSTEIN, <i>Plaintiff(s),</i>
vs.
3M COMPANY, 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 *February 5, 2016*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Cohen Placitella & Roth	William Kuzmin	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Eckert Seamans	Kathleen Ferdeto	AO Smith Water Products
Hack Piro	Robert Alencewicz	HB Smith
Hoagland Longo	Steven Satz	Goulds Pumps
Kent McBride	Kevin Hoffman	Utica Boiler
Marks O'Neill	Paul Smyth	Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	Burnham
McGivney Kluger	Thomas McNulty	Weil McLain; Blackmer
O'Toole Fernandez	Michael Garcia	Peerless
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Trane; Crane
Wilbraham Lawler	Elizabeth deBerardinis	Air & Liquid Systems Corp.

IT IS on this 8<sup>th</sup> day of **February, 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**

- |                |  |
|----------------|--|
| April 4, 2016  | Plaintiff shall serve answers to wrongful death interrogatories by this date.                      |
| March 4, 2016  | Defendants shall serve answers to standard interrogatories by this date.                           |
| March 18, 2016 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| April 18, 2016 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| March 18, 2016 | Defendants shall propound supplemental interrogatories and document requests by this date.         |

- April 18, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- June 30, 2016 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.
- July 29, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- October 7, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- August 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 2, 2016 Summary judgment motions shall be filed no later than this date.
- September 30, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- April 4, 2016 Plaintiff shall serve executed medical authorizations by this date.
- April 15, 2016 Plaintiff shall serve medical expert reports by this date.
- November 4, 2016 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**

- August 26, 2016 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.
- November 4, 2016 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**

- August 26, 2016 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.
- November 4, 2016 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**

- November 30, 2016 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 16, 2016 @ 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 19, 2016 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