

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

**Docket No:** L-3572-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

ESTATE of PEGGY CARLSON,  <i>Plaintiff(s),</i>
vs.
BORGHESE INC., 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 January 2, 2019:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Leah Kagan Sean Kerley	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
McCarter & English	Debra M. Perry	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Caitlin Bodtmann	Whittaker Clark & Daniels
Porzio Bromberg	Michelle Burke	Borghese Inc.; Costco Wholesale Corp.
Rawle & Henderson	Samuel Garson	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 3<sup>rd</sup> day of **January, 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**

March 29, 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.

March 29, 2019      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

June 14, 2019      Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

September 6, 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.

September 6, 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**

June 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 28, 2019 Summary judgment motions shall be filed no later than this date.

July 26, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

September 30, 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**

To be scheduled Settlement conference.

October 28, 2019 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