

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

**Docket No:** L-5031-19 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

ROGER & SUSAN COSS,  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 November 14, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Barry McTiernan Wedinger	Matthew Mann	Fulton Boiler Works; RW Beckett Corp.
Breuninger & Fellman	Steven Greenstein	TMD Friction Inc.
Caruso Smith	Thomas M. Rogers	Union Carbide
Clyde & Co.	Kevin Turbert	American Premier Underwriters; Burnham LLC
Delany McBride	Tom Wallace	Hitachi Auto Systems Americas; Hitachi Chemical Co. America
DLA Piper	Stephen Barrett	BASF Catalysts
Eckert Seamans	Michael A. Posavetz	AO Smith Water Products; Vermont Talc; OMYA Inc.
Fishkin Lucks	Erin O'Leary	AP Emissions Technologies
Gibbons PC	Robert Brown	The Sherwin Williams Co.
Gibbons PC	Daniel Dorfman	Honeywell International
Greenbaum Rowe	Brian Kornbrek	American Honda Motor Co.
Hawkins Parnell	Manuel A. Guevara	Pneumo Abex
Hoagland Longo	Chris Boglioli	Flexible Technologies
Holland & Knight	Joshua Cohn	BAE Systems
K&L Gates	Gary M. Sapir	Ford Motor Co.
Kaufman Borgeest	Kaitlin DeSantis	Morton International
Landman Corsi	Jessica Lomia	ECR International
Lavin Cedrone	Catherine Brunermer	Sumitomo Electric USA Inc.; Mazda Motor of America Inc.; Toyota Motor Sales USA Inc.
Lavin Cedrone	Donna Candelora	3M Co.
Leader Berkon	Christine Bucca	Weil McLain
Lucosky Brookman	Norman Golub	Slant/Fin
Malaby & Bradley	David P. Schaffer	NERP Holding Co., Inc. (New England Resins & Pigments)
McCarter & English	Amanda M. Munsie	Johnson & Johnson; Ensinger
McElroy Deutsch	Joseph D. Rasnek	Pfizer Inc.
McGivney Kluger	Jonathan C. Lee	DAP; Pecora; ZF North America
McGivney Kluger	Caitlin Bodtmann	Alco Industries
Montgomery Fetten	Marc Schuley	JH France Refractories

O'Toole Scrivo	Gary Van Lieu	Akebono Brake Corp.; D-Co.; Vanderbilt Minerals; BWDAC Inc.
Reilly McDevitt	Adrianna Astringer	ET Horn Co.; Cleaver Brooks; SOS Products Co.; Arvin Meritor Inc.
Segal McCambridge	Michael Testa	Tenneco Automotive Operating Co., Inc.
Sills Cummis	Elissa Glasbaud	Quest Specialty Chemical Inc.
Swartz Campbell	Patrick Fitzmaurice	Budd Co., Inc.
Tanenbaum Keale	Robert Gilmartin	Borg Warner Morse Tec
Troutman Sanders	Joanne Rogers	Advanced Thermal Hydronics; Mestek Inc.; Westcast Inc.

IT IS on this 18<sup>th</sup> day of November 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

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**

- December 2, 2019      Defendants shall serve answers to standard interrogatories by this date.
- December 13, 2019      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- January 17, 2020      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 13, 2019      Defendants shall propound supplemental interrogatories and document requests by this date.
- January 17, 2020      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 14, 2020      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.
- February 14, 2020      Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 29, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

April 9, 2020 Plaintiff shall serve medical expert reports by this date.

April 9, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 19, 2020 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**

April 9, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

June 19, 2020 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**

April 10, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 24, 2020 Summary judgment motions shall be filed no later than this date.

May 22, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

April 9, 2020 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.

June 19, 2020 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**

July 10, 2020 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**

July 15, 2020 @ 1:30pm

Settlement conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

August 10, 2020

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: counsel:

Lynch Daskal *for Nissan North America*

cc: Clerk, Mass Tort