

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

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

**Civil Action**

**CASE MANAGEMENT ORDER II**

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 February 12, 2020:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Madeleine Skaller	Plaintiff(s)
Clyde & Co.	Kevin Turbert	American Premier Underwriters; Burnham LLC; PCC Technical Ind.
Delany McBride	Thomas Wallace	Hitachi Auto Systems Americas; Hitachi Chemical Co. America
DLA Piper	Stephen Barrett	BASF Catalysts
Eckert Seamans	David Katzenstein	AO Smith Water Products; Vermont Talc; OMYA Inc.
Fishkin Lucks	Erin O'Leary	AP Emissions Technologies
Gibbons PC	Robert Brown, Jr.	The Sherwin Williams Co.
Gibbons PC	Ethan Stein	Honeywell International
Greenbaum Rowe	Brian Kornbrek	American Honda Motor Co.
Hawkins Parnell	Roy Viola	Pneumo Abex
Hoagland Longo	James Creech	Flexible Technologies
Holland & Knight	Joshua Cohn	BAE Systems Inc.; BAES Systems Land & Armaments
K&L Gates	Gary M. Sapir	Ford Motor Co.
Kaufman Borgeest	Jonathan Hallett	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.
Lucosky Brookman	Adam Golub	Slant/Fin Corp.
McCarter & English	Theresa Dill	Johnson & Johnson; Ensinger
McGivney Kluger	Jonathan Lee	DAP; Pecora; ZF North America
McGivney Kluger	Nicholas Gemma	Whittaker Clark & Daniels; Bonney Forge; Valspar Inc.
Montgomery Fetten	John Fetten	JH France Refractories
O'Toole Scrivo	Gary Van Lieu	Akebono Brake Corp.; D-Co.; Vanderbilt Minerals; BWDAC Inc.
Reilly McDevitt	Ryan Notarangelo	ET Horn Co.; Cleaver Brooks; SOS Products Co.; Arvin Meritor Inc.
Pascarella DiVita	Robert W. Slomicz	Trane US Inc.; Crane Co.; Rheem Mfg.
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	David Blow	Borg Warner Morse Tec
Troutman Sanders	Joanne Rogers	Advanced Thermal Hydraulics; Mestek Inc.; Westcast Inc.
Wilbraham Lawler	Josette Spivak	Kelsey-Hayes

IT IS on this 18<sup>th</sup> day of February 2020, *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**

- February 19, 2020      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 20, 2020      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 20, 2020      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- April 30, 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.
- April 30, 2020      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- July 31, 2020      Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

- June 15, 2020      Plaintiff shall serve medical expert reports by this date.
- June 15, 2020      Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- August 28, 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**

- June 15, 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.
- August 28, 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**

- June 12, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- June 26, 2020 Summary judgment motions shall be filed no later than this date.
- July 24, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- June 15, 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.
- August 28, 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**

- September 25, 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 The settlement conference previously scheduled on this date is **cancelled**.
- To be scheduled Settlement conference.
- October 19, 2020 Trial Date. (*The August 10, 2020 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