

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

**Docket No: L-7555-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ELENA & CECILIO DIAZ,  <i>Plaintiff(s),</i>  vs.  BRENNTAG NORTH AMERICA, et al  <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 January 27, 2014:

FIRM	ATTORNEY	CLIENT
Levy Phillips & Konigsberg	Leah Kagan Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide
Goldberg Segalla	H. Lockwood Miller	Shulton; Proctor & Gamble Co.
Hoagland Longo	Nora Grimbergen	Whittaker Clark & Daniels
Kelly Jasons	Jason Scheets	Square D
McElroy Deutsch	Brian Sorenson	Eaton
Porzio Bromberg	Michelle Burke	Wyeth Holdings
Quinn Emanuel	Robert Juman	Colgate Palmolive
Sedgwick	Afigo Fadahumsi	CBS; General Electric
Segal McCambridge	Joseph DeFazio	Colgate Palmolive

IT IS on this 6<sup>th</sup> day of **February, 2014** 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**

- February 7, 2014      Defendants shall serve answers to standard interrogatories by this date.
- February 14, 2014    Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 14, 2014      Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 14, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

March 14, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 15, 2014 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 15, 2014 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 21, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 25, 2014 Summary judgment motions shall be filed no later than this date.

May 23, 2014 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 14, 2014 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

February 28, 2014 Plaintiff shall serve medical expert reports by this date.

February 28, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 30, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

April 30, 2014 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.

May 30, 2014 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**

April 30, 2014           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.

May 30, 2014           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**

June 16, 2014           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**

June 10, 2014 @ 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.

June 30, 2014           Trial Date.

**Plaintiff’s counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc:     Clerk, Mass Tort  
       Brody Deposition Services  
       Priority One