

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

**Docket No:** L-584-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ROCHELLE & ALAN DINDAS, <i>Plaintiff(s),</i>
vs.
IMERYS TALC AMERICA, 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 *November 5, 2018*:

FIRM	ATTORNEY	CLIENT
Belluck & Fox	William Papain	Plaintiff(s)
McCarter & English	Jean Patterson	Johnson & Johnson
Rawle & Henderson	John McMeekin	Cyprus Amax Minerals; Imerys Talc America; Imerys Talc Vermont

IT IS on this 5<sup>th</sup> day of **November, 2018**, *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**

- |                   |  |
|-------------------|--|
| November 16, 2018 | Cyprus Amax Minerals shall serve answers to standard interrogatories by this date.                           |
| December 31, 2018 | Imerys Talc Vermont shall serve answers to standard interrogatories by this date.                            |
| November 16, 2018 | Plaintiff shall propound supplemental interrogatories and document requests by this date.                    |
| December 17, 2018 | Cyprus Amax Minerals shall serve answers to supplemental interrogatories and document requests by this date. |
| December 31, 2018 | Imerys Talc Vermont shall serve answers to supplemental interrogatories and document requests by this date.  |
| November 16, 2018 | Cyprus Amax Minerals shall propound supplemental interrogatories and document requests by this date.         |
| December 7, 2018  | Imerys Talc Vermont shall propound supplemental interrogatories and document requests by this date.          |
| January 7, 2019   | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.            |

- December 7, 2018 Cyprus Amax Minerals and Imerys Talc Vermont shall advise plaintiff's counsel whether they wish to re-depose plaintiffs by this date.
- February 8, 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.
- February 8, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 1, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- February 1, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 15, 2019 Summary judgment motions shall be filed no later than this date.
- March 15, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- December 7, 2018 Plaintiff shall serve medical expert reports by this date.
- December 7, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- February 8, 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**

- February 8, 2019 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.
- March 15, 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.

### **ECONOMIST EXPERT REPORTS**

- December 7, 2018 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.
- February 8, 2019 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**

- April 5, 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**

January 9, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

April 5, 2019 @ 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.

April 22, 2019                      Pretrial Information Exchange submissions due.

April 29, 2019                      Trial-Ready Date. (*The March 4, 2019 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