

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

**Docket No: L-3751-12 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

NORMA DWYER (Estate of JOHN DWYER),  <i>Plaintiff(s),</i>  vs.  3M COMPANY, INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on December 27, 2012 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca Jr.	IMO Industries
Caruso Smith	Ronald S. Suss	CertainTeed; Union Carbide
Condon & Forsyth	Justin Schmidt	Resco Holdings
Connell Foley	Angela Iuso	PSE&G
Drinker Biddle	Jack W. Frost Jr.	American Optical
Epstein Cohen Gilberti	Sandra Cohen	Crane Co.
Goldberg Segalla	Brian Hannan	
Goldfein & Joseph	Madhurika Jeremiah	ACL; Bell
Hoagland Longo	Kristi Jahnke	Goulds Pumps
Hofheimer Gartlir	Nicholas Malito	Rapid American
Hollstein Keating	Nancy Green	CBI
Kent McBride	Kevin Hoffman	Alfa Laval
Landman Corsi	Elissa Denniston	Anheuser Busch; Bechtel
Lavin O'Neil Ricci	Catherine Brunermer	3M Co.
Littleton Joyce	Christine Emery	BASF Catalysts
Marin Goodman	Fred Goodman	Fluor
McElroy Deutsch	Joseph La Sala	Exxon Mobil; Chevron
McGivney Kluger	Joel Clark	John W. Wallace
Porzio Bromberg	Michelle Burke	DuPont
Reilly Janiczek	Shannon C. Kelly	ITT; Cleaver Brooks
Speziali Greenwald	Michael Quinn	General Electric; CBS; Foster Wheeler
Weiner Lesniak	Edward Seaver	Merck
Wilson Elser	Joseph Hanlon	Shell Oil Co.

IT IS on this 15<sup>th</sup> day of **January, 2013** 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 plaintiffs' 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.

**DISCOVERY**

- January 18, 2013      Defendants shall serve answers to standard interrogatories by this date.
- February 1, 2013      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 1, 2013      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- February 1, 2013      Defendants shall propound supplemental interrogatories and document requests by this date.
- March 1, 2013      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- May 31, 2013      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.
- June 28, 2013      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

- July 12, 2013      Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

- July 26, 2013      Summary judgment motions limited to product identification issues shall be filed no later than this date.
- August 23, 2013      Last return date for product identification summary judgment motions.

**OTHER MOTIONS**

- August 15, 2013 (*Thursday*)      Filing date.
- September 12, 2013 (*Thursday*)      Return date.

## **MEDICAL DEFENSE**

- February 1, 2013 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.
- June 28, 2013 Plaintiff shall serve additional medical expert reports by this date.
- June 28, 2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- September 20, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

## **LIABILITY EXPERT REPORTS**

- August 30, 2013 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.
- September 30, 2013 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.
- October 18, 2013 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

## **ECONOMIST EXPERT REPORTS**

- August 30, 2013 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.
- September 30, 2013 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**

- October 31, 2013 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**

October 2, 2013 @ 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.

November 12, 2013 (*Tuesday*) 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