

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

**Docket No:** L-3589-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

ESTATE of ROSE FLATER,  vs.  ALBI ENTERPRISES, 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 August 7, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Goldberg Segalla	David Rutkowski	Shulton defendants
Haworth Rossman	Layne Feldman	L'Oreal
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
O'Toole Scrivo	Gary Van Lieu	Colgate Palmolive Co.
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America; Imerys Talc Vermont; Imerys USA

IT IS on this 8<sup>th</sup> day of August, 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**

December 7, 2018 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.

December 7, 2018 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

March 29, 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**

- January 11, 2019      Plaintiff shall serve medical expert reports by this date.
- January 11, 2019      Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- April 30, 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**

- January 11, 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.
- April 30, 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**

- January 11, 2019      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.
- April 30, 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**

- May 31, 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**

- To be scheduled      Settlement conference.
- June 24, 2019      Trial Date. *(The April 1, 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