

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

**Docket No:** L-455-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

|                                                                                             |                                                              |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| CORRINE FRANCEN<br>(Estate of Deborah Phillips),<br><br>vs.<br><br>AMERICAN TALC CO., et al | <i>Plaintiff(s),</i><br><br><br><br><br><i>Defendant(s).</i> |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on February 11, 2019:

| FIRM                  | ATTORNEY        | CLIENT                                              |
|-----------------------|-----------------|-----------------------------------------------------|
| Phillips & Paolicelli | Daniel Woodard  | Plaintiff(s)                                        |
| O'Toole Scrivo        | Elias Arroyo    | Colgate-Palmolive Co.                               |
| Rawle & Henderson     | Brian Lowenberg | Cyprus Amax Minerals Co.; Imerys Talc America, Inc. |

IT IS on this 13<sup>th</sup> day of **February, 2019**, *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 28, 2019      Defendants shall serve answers to standard interrogatories by this date.
- March 29, 2019      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- March 29, 2019      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 30, 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.

April 30, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

June 14, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

May 31, 2019 Plaintiff shall serve medical expert reports by this date.

May 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 6, 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**

May 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

September 6, 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 14, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 28, 2019 Summary judgment motions shall be filed no later than this date.

July 26, 2019 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

October 4, 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**

April 23, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

To be scheduled                      Settlement conference.

November 4, 2019                      Trial Date. (*The May 28, 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