

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

**Docket No: L-3126-16 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

GILBERT HERNANDEZ (Estate of Esther Hernandez),  vs. BRENNTAG NA INC., 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 January 5, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Simon Greenstone	Leah Kagan Jordan Blumenfeld-James	Plaintiff(s) <i>(co-counsel with Szaferman Lakind)</i>
Hoagland Longo	Daniel Kuszmarski	Whittaker Clark & Daniels
O'Toole Fernandez	Gary Van Lieu	Colgate Palmolive Co.
Rawle & Henderson	Jamie Augustinsky	Cyprus Amax Minerals Co.

IT IS on this 9<sup>th</sup> day of **January, 2017**, *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 plaintiff's 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 31, 2017 | Plaintiff shall serve answers to standard interrogatories.  |
| March 3, 2017    | Plaintiff shall serve answers to wrongful death interrogatories and Part II interrogatories by this date. |
| March 31, 2017   | Plaintiff shall propound supplemental interrogatories and document requests by this date.                 |
| May 19, 2017     | Defendants shall serve answers to supplemental interrogatories and document requests by this date.        |
| March 31, 2017   | Defendants shall propound supplemental interrogatories and document requests by this date.                |
| May 19, 2017     | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.         |

August 31, 2017 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.

August 31, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

September 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

September 15, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 29, 2017 Summary judgment motions shall be filed no later than this date.

October 27, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

March 3, 2017 Plaintiff shall serve executed medical authorizations by this date.

January 31, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

August 31, 2017 Plaintiff shall serve medical expert reports by this date.

August 31, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 1, 2017 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**

October 16, 2017 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.

December 1, 2017 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**

October 16, 2017 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.

December 1, 2017 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**

January 12, 2018      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 19, 2018 @ 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.

February 20, 2018 (*Tuesday*)      Trial 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