

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

<u>JOHNS MANVILLE III</u>	
URBAN	L-3120-16
TABBIT	L-7132-16
MESSINGER	L-1968-17
SALKO	L-5848-17

**Civil Action**

**CASE MANAGEMENT ORDER IV**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *October 10, 2019*:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William L. Kuzmin	Plaintiff(s)
Napoli Shkolnik	Robert Gitelman	Plaintiff's counsel for Salko
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Jardim Meisner	Nancy Giacumbo	Hollingsworth & Vose
Kent McBride	Brittany N. Citro	Mine Safety Appliance
McElroy Deutsch	Joseph D. Rasnek	Occidental Chemical
McGivney Kluger	Gary Casimir	Special Electric (Salko only)
McGivney Kluger	Joel Clark	Whittacker Clark & Daniels

IT IS on this **16<sup>th</sup>** day of **October, 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.

These matters are hereby consolidated for discovery, case management and trial.

**DISCOVERY**

January 31, 2020      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.

January 31, 2020      Depositions of corporate representatives shall be completed by this date.

### **MEDICAL EXPERT REPORT**

- March 31, 2020 Plaintiff shall serve medical expert reports by this date.
- March 31, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- June 12, 2020 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**

- March 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.
- June 12, 2020 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**

- March 27, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 10, 2020 Summary judgment motions shall be filed no later than this date.
- May 8, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

- March 31, 2020 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.
- June 12, 2020 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**

- July 10, 2020 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**

- May 5, 2020 @ 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.

To be scheduled

Final settlement conference.

July 27, 2020

Trial Date. *(The June 1, 2020 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