

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

**Docket No:** L-3028-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

KENNETH & SUSAN JOHNSON, <i>Plaintiff(s),</i>
vs.
3M COMPANY, et al <i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 21, 2019:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Brown & Connery	Stephen DeFeo	McQuay International
Caruso Smith	Lisa Massimi	HB Fuller Co.
Clyde & Co.	Kevin Turbert	Jenkins Bros.
Connell Foley	Richard Jagen Meghan Musso	Atlas Copco Compressors; Henry Technologies
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Lavin Cedrone	Catherine Brunermer	3M Company
Leader Berkon	Christine Bucca	Weil McLain
Marks O'Neill	Paul Smyth	Superior Boiler Works
Marshall Dennehey	Paul Johnson	Honeywell; Warren Pumps
McElroy Deutsch	Nancy McDonald	Emerson Climate Technologies; Copeland Compressors
McGivney Kluger	Jeffrey Kluger Jennifer Hally	Sid Harvey; Nutley; Armstrong International; Industrial Products Co.
Morgan Lewis		Goulds Pumps; ITT Corp.; Johnson Controls; York Int'l.
Pascarella DiVita	Bradley E. Bishop	Ingersoll Rand; Trane US Inc.; Crane Co.
Reilly McDevitt	Hena Kumar	Cleaver Brooks; Miller & Chitty
Turner O'Mara	David Gallacher	Carrier Corp.

IT IS on this 21<sup>st</sup> day of May 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**

- May 31, 2019 Defendants shall serve answers to standard interrogatories by this date.
- June 21, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 21, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- August 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.
- September 30, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- October 11, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- August 30, 2019 Plaintiff shall serve medical expert reports by this date.
- January 3, 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**

- September 30, 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.
- January 3, 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**

- October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- October 25, 2019 Summary judgment motions shall be filed no later than this date.
- November 22, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

- September 30, 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.
- January 3, 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

February 3, 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

September 25, 2019      The settlement conference previously scheduled on this date is **cancelled**.

February 4, 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.

March 2, 2020      Trial Date. (*The October 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