

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

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

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

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on January 22, 2019:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Brown & Connery	Stephen DeFeo	McQuay International
Caruso Smith	Marcia DePolo	HB Fuller Co.
Connell Foley	Scott Press	Atlas Copco Compressors; Henry Technologies
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Lavin Cedrone	Julianne Jayson	3M Company
Marks O'Neill	Paul Smyth	Superior Boiler Works
Marshall Dennehey	Paul Johnson	Honeywell; Warren Pumps
Mayfield Turner	Sara Saltsman	Carrier Corp.
McCarter & English	Amanda Munsie	Watts Water Technologies
McElroy Deutsch	Nancy McDonald	Emerson Climate Technologies; Copeland Compressors
McGivney Kluger	Thomas McNulty Caitlin Bodtmann	Sid Harvey; Weil McLain; Nutley; Armstrong International; Industrial Products Co.
Pascarella DiVita	John S. McGowan	Ingersoll Rand; Trane US Inc.; Crane Co.
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks; Miller & Chitty

IT IS on this 24<sup>th</sup> day of **January, 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.

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.

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 8, 2019 Defendants shall serve answers to standard interrogatories by this date.
- February 22, 2019 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- March 29, 2019 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- February 22, 2019 Defendants shall propound 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.
- June 7, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- August 9, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

- March 29, 2019 Plaintiff shall serve medical expert reports by this date.
- August 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**

- June 7, 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.
- August 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.

## **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.

## **ECONOMIST EXPERT REPORTS**

- June 7, 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.
- August 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**

- September 30, 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**

- September 25, 2019 @ 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.
- October 28, 2019 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