

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

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| HOPE & MARK KLAYMAN,<br><i>Plaintiff(s),</i>                     |
| vs.  |
| AMERICAN INTERNATIONAL INDUSTRIES, et al<br><i>Defendant(s).</i> |

**Docket No: L-4994-18 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 6, 2019:

| FIRM               | ATTORNEY            | CLIENT  |
|--------------------|---------------------|---|
| Weitz & Luxenberg  | Robert Silverman    | Plaintiff(s)                                  |
| Hawkins Parnell    | Manuel Guevara      | Revlon; American International Industries     |
| McCarter & English | Debra M. Perry      | Johnson & Johnson; Johnson & Johnson Consumer |
| McElroy Deutsch    | Charles Benjamin    | Coty; Pfizer                                  |
| McGivney Kluger    | Caitlin Bodtmann    | Whitaker Clark & Daniels                      |
| O'Toole Scrivo     | Leslie Lombardy     | Colgate-Palmolive                             |
| Rawle & Henderson  | Joshua Lichtenstein | Cyprus Amax Minerals; Imerys Talc America     |

IT IS on this 7<sup>th</sup> day of **March, 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**

|                |  |
|----------------|--|
| April 29, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| June 3, 2019   | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| April 29, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| June 3, 2019   | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

November 29, 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.

November 29, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 17, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

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

December 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.

February 28, 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**

December 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.

February 28, 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**

February 27, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 12, 2020 (*Thurs.*) Summary judgment motions shall be filed no later than this date.

April 9, 2020 (*Thurs.*) Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

May 8, 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 19, 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.

June 1, 2020

Pretrial Information Exchange submissions due.

June 8, 2020

Trial-Ready 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