

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

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 16, 2019:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Weitz & Luxenberg	Robert Silverman	Plaintiff(s)
Hawkins Parnell	Roy Viola	Revlon; American International Industries
Leader Berkon	Joseph Fontak	Fieldcrest Co., Ltd.
McCarter & English	Sarah Tremer	Johnson & Johnson; Johnson & Johnson Consumer
McElroy Deutsch	Joseph D. Rasnek	Coty; Pfizer
McGivney Kluger	James Goodloe	Whitaker Clark & Daniels
O'Toole Scrivo	Leslie Lombardy	Colgate-Palmolive
Rawle & Henderson	Sebastian Goldstein	Cyprus Amax Minerals

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.

**DISCOVERY**

- |                   |  |
|-------------------|--|
| November 15, 2019 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| December 16, 2019 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| November 15, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| December 16, 2019 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

March 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.

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

### **EARLY SETTLEMENT**

July 24, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

May 29, 2020 Plaintiff shall serve medical expert reports by this date.

May 29, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 24, 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**

May 29, 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.

July 24, 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**

July 24, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 7, 2020 Summary judgment motions shall be filed no later than this date.

September 4, 2020 Last return date for summary judgment motions.

### **EXPERT DEPOSITIONS**

October 2, 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 The settlement conference previously scheduled on this date is **cancelled**.

October 1, 2020 @ 10:00am Settlement / Status Conference. All defense counsel shall appear with authority to negotiate settlement and have a representative authorized to negotiate settlement available by phone.

November 2, 2020 Trial Date. (*The June 8, 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