

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

**Docket No:** L-10370-08 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

HENRY W. LATTEr, SR. and HENRY LATTEr, JR.,

*Plaintiff(s),*

vs.

3M COMPANY, et al

*Defendant(s).*

This matter coming on for a Case Management Conference with Special Master, Agatha N. Dzikiewicz,

on November 13, 2009 and the following firms appearing:

Levy Phillips Konigsberg	Patrick Timmins, Esq.	Plaintiff(s)
Brach Eichler	David J. Klein, Esq.	
Caruso Pope	Marcia DePolo, Esq.	Union Carbide; CertainTeed
Coughlin Duffy	Chip Miller, Esq.	Advance Stores
Drinker Biddle	Timothy J. Fraser, Esq.	The Glidden Co. d/b/a ICI Paints
Eckert Seamans	Veronica Mihelson, Esq.	CBS; Ford
Gibbons	Richard Reinartz, Esq.	Honeywell
Hoagland Longo	Shazia DeWit, Esq.	Borg Warner; Rockford
Margolis Edelstein	Ryan Kooi, Esq.	Goodrich
Marks O'Neill	Paul Smyth, Esq.	Georgia Pacific
Marshall Dennehey	Paul Johnson, Esq.	Pep Boys; Kaiser Gypsum
McCarter & English	Debra M. Perry, Esq.	Emerson; Komatsu
McElroy Deutsch	Nancy McDonald, Esq.	Eaton
McGivney Kluger	Joel Clark, Esq.	Dravo; Robert Bosch, LLC
O'Toole Fernandez	Bruce Braender, Esq.	Dana
Porzio Bromberg	Thomas Coffey, Esq.	DuPont
Rivkin Radler	Robert Spitzer, Esq.	Setco
Segal McCambridge	David Kostus, Esq.	Clark Equipment
Smith Abbot	John Guerriero, Esq.	Pneumo Abex
Weiner Lesniak	Helen Griff Chalier, Esq.	Bondex
Wilbrham Lawler	John Fitzpatrick, Esq.	Cummins Inc.

IT IS on this 16<sup>th</sup> day of November, 2009 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*.

### **DISCOVERY**

- January 8, 2010 Defendants shall serve answers to standard interrogatories by this date.
- January 8, 2010 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- February 26, 2010 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.
- April 30, 2010 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- January 5, 2010 The early Settlement Conference previously scheduled on this date is **cancelled**.
- April 30, 2010 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- May 28, 2010 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- June 25, 2010 Last return date for product identification summary judgment motions.

### **POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE**

- July 21, 2010 @ 1:30pm 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.

### **CASE MANAGEMENT CONFERENCE**

- August 17, 2010 @ 10:30am Case Management Conference before the Special Master.

### **MEDICAL DEFENSE**

- February 26, 2010 Plaintiff shall serve additional medical expert reports by this date.

May 14, 2010 Defendants shall identify its medical experts and serve medical reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

May 28, 2010 Plaintiff shall identify its liability experts and serve liability expert reports or a certified expert statement by this date or waive any opportunity to rely on liability expert testimony.

July 2, 2010 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.

**PRE-TRIAL AND TRIAL**

To be scheduled Final settlement conference.

March 26, 2010 The Pre-Trial Conference before Judge McCormick is **cancelled**. (*The submission of the Joint Pre-Trial Order is adjourned.*)

October 18, 2010 Trial Date. (*The May 24, 2010 trial is adjourned to this date.*)

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc: counsel:

German Gallagher

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One