

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

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

**Civil Action**

**CASE MANAGEMENT ORDER II**

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 August 14, 2009 and the following firms appearing:

|                          |                                |                                  |
|--------------------------|--------------------------------|----------------------------------|
| Levy Phillips Konigsberg | John Guinan, Esq.              | Plaintiff(s)                     |
| Breining & Fellman       | Kathleen Ramalho, Esq.         | NAPA                             |
| Caruso Pope              | Ronald S. Suss, Esq.           | Union Carbide; CertainTeed       |
| Coughlin Duffy           | Chip Miller, Esq.              | Advance Stores                   |
| Drinker Biddle           | Richard Coe, Esq.              | The Glidden Co. d/b/a ICI Paints |
| Eckert Seamans           | Veronica Mihelson, Esq.        | Ford                             |
| German Gallagher         | Tiffany J. Giangiulio, Esq.    | CNH, LLC                         |
| Gibbons                  | Robert Brown, Esq.             | Honeywell                        |
| Hoagland Longo           | Marc Gaffrey, Esq.             | Borg Warner; Rockford            |
| Margolis Edelstein       | Chris Kelleher, Esq.           | Goodrich                         |
| Marks O'Neill            | Paul Smyth, Esq.               | Georgia Pacific                  |
| Marshall Dennehey        | Paul Johnson, Esq.             | Pep Boys; Kaiser Gypsum          |
| McCarter & English       | John Garde, Esq.               | Emerson; Komatsu                 |
| McElroy Deutsch          | Tara Pehusu, Esq.              | Eaton                            |
| McGivney Kluger          | Joel Clark, Esq.               | Robert Bosch; Dravo Corp.        |
| O'Toole Fernandez        | Bruce Braender, Esq.           | Dana                             |
| Porzio Bromberg          | Thomas Coffey, Esq.            | DuPont                           |
| Segal McCambridge        | Maria C. Carlucci, Esq.        | Clark Equipment                  |
| Sills Cummis             | Vincent Lodato, Esq.           | 3M Co.                           |
| Smith Abbot              | Mark Debrowski, Esq.           | Pneumo Abex                      |
| Weiner Lesniak           | Victoria Williams Donath, Esq. | Bondex                           |
| Wilbrham Lawler          | Micheal Block, Esq.            | Cummins Inc.                     |

IT IS on this 17<sup>th</sup> day of August, 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**

- September 30, 2009 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- August 31, 2009 Defendants shall serve answers to standard interrogatories by this date.
- August 31, 2009 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 30, 2009 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.
- October 30, 2009 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- September 9, 2009 The Settlement / Case Management Conference previously scheduled on this date is **cancelled**.
- November 6, 2009 Settlement demands shall be served on all counsel and the Special Master by this date.
- January 5, 2010 @ 10:00am Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- November 6, 2009 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- December 4, 2009 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

- October 30, 2009 Plaintiff shall serve additional medical expert reports by this date.
- December 4, 2009 Defendants shall identify its medical experts and serve medical reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

November 30, 2009 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.

January 8, 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.

**EXPERT DEPOSITIONS**

February 26, 2010 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**

To be scheduled Final settlement conference.

March 19, 2010 Final Joint Pre-Trial Order shall be submitted to Judge McCormick by this date.

March 26, 2010 @ 1:30pm Pre-Trial Conference before Judge McCormick.

May 24, 2010 Trial Date. *(The November 16, 2009 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: Clerk, Mass Tort  
Brody Deposition Services  
Priority One

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