

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

Docket No: L-7565-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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| SHERRY LUKE, vs. BRENNTAG NORTH AMERICA, et al | <i>Plaintiff(s),</i> <i>Defendant(s).</i> |
|--|--|

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 28, 2018:

| FIRM | ATTORNEY | CLIENT |
|--------------------|---------------------|---|
| Simmons Hanly | Laurence Nassif | Plaintiff(s) |
| Goldberg Segalla | H. Lockwood Miller | Procter & Gamble |
| McCarter & English | Jean Patterson | Johnson & Johnson, Johnson & Johnson Consumer |
| McGivney Kluger | Joel Clark | Whittaker Clark & Daniels |
| O'Toole Scrivo | Leslie Lombardy | Colgate Palmolive |
| Rawle & Henderson | Sebastian Goldstein | Cyprus Amax Minerals; Imerys Talc America |

IT IS on this 2nd day of **October, 2018**, *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

- November 2, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 2, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 14, 2018 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.
- December 14, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- February 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

February 15, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 1, 2019 Summary judgment motions shall be filed no later than this date.

March 29, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

February 15, 2019 Plaintiff shall serve medical expert reports by this date.

February 15, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 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

February 15, 2019 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.

April 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.

ECONOMIST EXPERT REPORTS

February 15, 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.

April 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

May 24, 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

December 4, 2018 The settlement conference previously scheduled on this date is **cancelled**.

May 17, 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. 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.

June 17, 2019

Pretrial Information Exchange submissions due.

June 24, 2019

Trial-Ready Date. (*The January 14, 2019 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