

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

**Docket No:** L-623-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

MARIE BOND MACY and JACK MACY, <i>Plaintiff(s),</i>  vs.  BRENNTAG NORTH AMERICA, INC., et al <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 3, 2017:

FIRM	ATTORNEY	CLIENT
Simon Greenstone	Leah Kagan	Plaintiff(s) ( <i>co-counsel with Szaferman Lakind</i> )
Drinker Biddle	Jack N. Frost, Jr.	Johnson & Johnson
Hoagland Longo	Marc Gaffrey	Whittaker Clark & Daniels
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 7<sup>th</sup> day of August, 2017, *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**

August 31, 2017      Whittaker Clark & Daniels shall serve answers to supplemental interrogatories and document requests by this date.

September 8, 2017      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.

September 8, 2017      Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

September 8, 2017      Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- September 8, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- September 15, 2017 Summary judgment motions shall be filed no later than this date.
- October 13, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- August 4, 2017 Plaintiff shall serve medical expert reports by this date.
- August 4, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- December 1, 2017 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**

- October 20, 2017 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.
- December 1, 2017 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**

- October 20, 2017 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.
- December 1, 2017 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**

- December 29, 2017 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 8, 2017 @ 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.

February 2, 2018

Pretrial Information Exchange submissions due.

February 12, 2018

**Trial-Ready** Date. (*The January 29, 2018 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