

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

Docket No: L-2403-15 (AS)

Civil Action

CASE MANAGEMENT ORDER I

DONALD McDERMID,	<i>Plaintiff(s),</i>
vs.	
3M COMPANY, et al	<i>Defendant(s).</i>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 22, 2015:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Bucca & Campisano	Christine Bucca	IMO
Carroll McNulty	Michael Moroney	Copes Vulcan
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Goldfein & Joseph	Madhurika Jeremiah	ACL; Bell
Hoagland Longo	Steven F. Satz	Goulds Pumps; Industrial Welding Supply
Lavin O'Neil	Donna Candelora	3M Co.
Margolis Edelstein	Jeanine D. Clark	United Engineers
Marshall Dennehey	Paul Johnson	Riley Power
McElroy Deutsch	Michelle Hydrusko	Burnham; ExxonMobil
McGiney Kluger	Joel Clark	Madsen & Howell; Resco; Alltite; Safeguard
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Crane Co.
Reilly Janiczek	Adrianna Exler	Cleaver Brooks
Ricci Tyrell	Brian Scanlon	Chicago Bridge & Iron
Sedgwick LLP	Bridget Polloway	CBS/Westinghouse; General Electric; Research Cottrell; Foster Wheeler
Tierney Law	Kevin Buttery	Elizabeth Industrial

IT IS on this 23rd day of October, 2015, *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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

DISCOVERY

- November 20, 2015 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VII.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- November 20, 2015 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- December 4, 2015 Defendants shall serve answers to standard interrogatories by this date.
- December 18, 2015 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- January 19, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 18, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.
- January 19, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- February 29, 2016 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, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- June 3, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- April 15, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 29, 2016 Summary judgment motions shall be filed no later than this date.
- May 27, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- November 20, 2015 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- November 20, 2015 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- March 1, 2016 Plaintiff shall serve medical expert reports by this date.
- June 13, 2016 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.**

July 5, 2016 Plaintiff shall serve a rebuttal expert medical report, if any, by this date.

LIABILITY EXPERT REPORTS

April 28, 2016 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.

June 13, 2016 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.

July 5, 2016 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

EXPERT DEPOSITIONS

July 29, 2016 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

July 12, 2016 @ 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.

August 22, 2016 Trial 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