

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

**Docket No: L-2403-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER IV**

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 19, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Carroll McNulty	Michael A. Moroney	Copes Vulcan
Garrity Graham	Anthony Marino	United Conveyor Coirp.
Goldfein & Joseph	Madhurika Jeremiah	ACL
Hoagland Longo	Jillian Madison	Industrial Welding Supply
Leader & Berkon	Christine Bucca	IMO Industries
Margolis Edelstein	Dawn Dezii	United Engineers; Woosulate
McElroy Deutsch	Joseph D. Rasnek	Burnham; ExxonMobil
McGivney Kluger	Thomas McNulty	Madsen & Howell; Resco; Alltite; Safeguard; Fairbanks
O'Toole Fernandez	Gary Van Lieu	E&B Mill
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Crane Co.
Reilly Janiczek	Adrianna Exler	Cleaver Brooks
Ricci Tyrell	Stuart M. Goldstein	Chicago Bridge & Iron
Sedgwick LLP	Christopher Keale / Joanne Hawkins	CBS/Westinghouse; Research Cottrell; Foster Wheeler
Segal McCambridge	Stephanie DeVos	BW/IP
Speziali Greenwald	Joanne Hawkins	General Electric
Tierney Law	Michael Murphy	Elizabeth Industrial

IT IS on this 24<sup>th</sup> day of **October, 2016**, 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 11, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- December 16, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 11, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- December 16, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 30, 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.
- January 17, 2017 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- January 27, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- January 27, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 17, 2017 Summary judgment motions shall be filed no later than this date.
- March 17, 2017 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- January 31, 2017 Plaintiff shall serve medical expert reports by this date.
- April 21, 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**

- January 31, 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.
- April 21, 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.
- May 22, 2017 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

**EXPERT DEPOSITIONS**

June 16, 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**

March 2, 2017                   The settlement conference previously scheduled on this date is **cancelled**.

June 7, 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.

July 10, 2017                   Trial Date. *(The March 27, 2017 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