

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

Docket No: L-2403-15 (AS)

Civil Action

CASE MANAGEMENT ORDER V

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 March 7, 2017:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Rachel Placitella	Plaintiff(s)
Carroll McNulty	Michael A. Moroney	Copes Vulcan
Garrity Graham	Frank Reimers	United Conveyor Coirp.
Hoagland Longo	Jullian Madison	Industrial Welding Supply
Jones Law Office	Richard V. Jones	Metropolitan Life
Leader & Berkon	Christine Bcca	IMO Industries
Margolis Edelstein	Dawn Dezii	United Engineers; Wool sulfate
McElroy Deutsch	Joseph D. Rasnek	Burnham; ExxonMobil; Flowserve US, Inc.
McGivney Kluger	Caitlin Bodtmann Joel Clark	Madsen & Howell; Resco; Alltite; Safeguard; Fairbanks
Mound Cotton	Pamela Minetto	Viad Corp.
O'Toole Fernandez	Franklin D. Paez	E&B Mill
Pascarella DiVita	Cory Simmons-Edler	Ingersoll Rand; Crane Co.; Trane
Reilly Janiczek	Adrianna Exler	Cleaver Brooks
Ricci Tyrell	Nancy Green	Chicago Bridge & Iron
Segal McCambridge	Ted Eder	BW/IP
Tanenbaum Keale	Maryam Meseha	CBS/Westinghouse; Research Cottrell; Foster Wheeler; General Electric
Tierney Law	Brian Garbacz	Elizabeth Industrial

IT IS on this 8th day of March, 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

June 16, 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.

June 16, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

June 23, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

July 7, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

July 21, 2017 Summary judgment motions shall be filed no later than this date.

August 18, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

June 30, 2017 Plaintiff shall serve medical expert reports by this date.

September 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

July 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.

September 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.

October 2, 2017 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

EXPERT DEPOSITIONS

October 31, 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

June 7, 2017 The settlement conference previously scheduled on this date is **cancelled**.

October 31, 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.

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