

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

**Docket No: L-7152-12 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

CATHERINE MOORE, (Estate of ROBERT MOORE),  <i>Plaintiff(s),</i>  vs.  3M COMPANY, et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on May 2, 2013 and the following firms appearing:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Phillips & Konigsberg	Moshe Maimon	Plaintiff(s)
Budd Lerner	Katie Potter	Goodyear Tire & Rubber Co.
Caruso Smith	Richard Picini	Union Carbide; CertainTeed
Kent McBride	Kevin Hoffman	Keyport Lumber
Lavin O'Neil Ricci	Lauren Berk	3M
Lynch Daskal Emery	Ian S. Millican	Georgia Pacific
Marshall Dennehey	Ashley Toth	Kaiser Gypsum
McGivney Kluger	Caitlin Christie	DAP
Speziali Greenwald	Joanne Hawkins	General Electric
Vasios Kelly Strollo	Keith Platt	Bird

IT IS on this 7<sup>th</sup> day of **May, 2013** *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 plaintiffs' 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**

June 7, 2013                      Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.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.

June 7, 2013                      Plaintiff shall serve answers to wrongful death interrogatories by this date.

June 21, 2013 Defendants shall serve answers to standard interrogatories by this date.

July 15, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.

August 16, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

July 15, 2013 Defendants shall propound supplemental interrogatories and document requests by this date.

August 16, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

September 30, 2013 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.

October 31, 2013 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

October 15, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

November 13, 2013 @ 10:00am Early 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.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

November 22, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

December 20, 2013 Last return date for product identification summary judgment motions.

#### **MEDICAL DEFENSE**

June 7, 2013 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

June 7, 2013 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

October 31, 2013 Plaintiff shall serve additional medical expert reports by this date.

January 17, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

October 13, 2013 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.

January 17, 2014 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 31, 2013 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.

January 17, 2014 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**

January 31, 2014 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**

January 15, 2014 @ 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 10, 2014 Trial Date.

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One