

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

**Docket No: L-4708-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

JOSEPH & SUZANNE O'HARA, <i>Plaintiff(s),</i>
vs.
BRENNTAG NORTH AMERICA, 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 June 10, 2016:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	Dennis M. Geier	Plaintiff(s)
Caruso Smith Picini	Marcia DePolo	Union Carbide
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
McCullough Ginsberg	Damon Kamvosoulis	Okonite
Porzio Bromberg	Michelle Burke	Church & Dwight; Wallace Pharmaceuticals Inc.; Meda Pharmaceuticals Inc.

IT IS on this 10<sup>th</sup> day of June, 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**

- |                 |   |
|-----------------|---|
| June 29, 2016   | Whittaker Clark & Daniels shall serve answers to supplemental interrogatories and document requests by this date.   |
| July 29, 2016   | Third-party defendants shall serve answers to supplemental discovery by this date.  |
| August 31, 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. |
| August 31, 2016 | Depositions of corporate representatives shall be completed by this date.   |

### **EARLY SETTLEMENT**

- August 15, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.
- August 22, 2016 Okonite shall serve a settlement demand upon its third-party defendants by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- September 2, 2016 Summary judgment motions shall be filed no later than this date.
- September 30, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- October 31, 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.**

### **LIABILITY EXPERT REPORTS**

- September 16, 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.
- September 30, 2016 Okonite shall serve liability expert reports, if any, upon its third-party defendants by this date.
- October 31, 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.
- October 31, 2016 Third-party defendants may serve liability expert reports, if any, by this date.

### **ECONOMIST EXPERT REPORTS**

- September 16, 2016 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.
- October 31, 2016 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**

- November 23, 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**

August 4, 2016                      The settlement conference previously scheduled on this date is **cancelled**.

November 3, 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.

10 business days prior to trial      Pretrial Information Exchange Form due.

December 12, 2016                  **Trial-Ready** Date. (*The September 12, 2016 trial date 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