

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

**Docket No:** L-6690-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

EILEEN O'MARA,	<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 February 23, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konisberg	Joseph J. Mandia	Plaintiff(s)
Day Pitney	Joshua Katz	Quaker Safety Products Corp.
Goldberg Segalla	H. Lockwood Miller	Scotts Technologies; Scott Health & Safety
Lavin O'Neil	Catherine Brunermer	3M Company
Swartz Campbell	Dustin Martino	Lakeland Industres / Fyrepel Products Inc.
Thompson Hine	Riccardo DeBari John Mitchell	Honeywell Security Products; Honeywell International

IT IS on this 27<sup>th</sup> day of **February, 2018**, *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**

- March 23, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- April 6, 2018 Defendants shall serve answers to standard interrogatories by this date.
- April 20, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- May 31, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- April 20, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.

May 31, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

July 31, 2018 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, 2018 Depositions of corporate representatives shall be completed by this date.

#### **EARLY SETTLEMENT**

April 30, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

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

March 15, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 29, 2019 Summary judgment motions shall be filed no later than this date.

April 26, 2019 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

March 23, 2018 Plaintiff shall serve executed medical authorizations by this date.

October 31, 2018 Plaintiff shall serve medical expert reports by this date.

January 7, 2019 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**

October 31, 2018 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 7, 2019 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, 2018 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 7, 2019 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**

February 15, 2019 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**

To be scheduled                      Settlement conference.

May 28, 2019                      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

VACATED