

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

Docket No: L-6690-16 (AS)

Civil Action

CASE MANAGEMENT ORDER III

EILEEN O'MARA, (Estate of William O'Mara), vs. 3M COMPANY, et al	<i>Plaintiff(s),</i> <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 18, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Robert Ellis	Plaintiff(s)
Drinker Biddle	Jack N. Frost	American Optical
Goldberg Segalla	H. Lockwood Miller	Scotts Technologies; Scott Health & Safety
Harwood Lloyd	Victoria Silva	Action Fire Apparatus Co., Inc.
Kent McBride	Matthew Forys	Mine Safety Appliance Co.
Marshall Dennehey	Doug Suplee	Globe Manufacturing Co.
McElroy Deutsch	Nancy McDonald	Quaker Safety Products Corp.
McGivney Kluger	Jeffrey Kluger	Duncan Hardware
Swartz Campbell	Gregory Stokes	Lakeland Industries / Fyrepel Products Inc.
Thompson Hine	Melissa Barrett	Honeywell Safety Products; Honeywell International

IT IS on this 27th day of September 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

DISCOVERY

January 17, 2020 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.

February 21, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

April 10, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

March 31, 2020 Plaintiff shall serve medical expert reports by this date.

March 31, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 17, 2020 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

March 31, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

September 17, 2020 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.

SUMMARY JUDGMENT MOTION PRACTICE

April 10, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 24, 2020 Summary judgment motions shall be filed no later than this date.

May 22, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

March 31, 2020 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.

July 17, 2020 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

August 31, 2020 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.

September 28, 2020

Trial Date. (*The January 13, 2020 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