

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

**Docket No:** L-4561-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

BILLIE & DELBERT PAGAKIS, <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 *February 13, 2020*:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Olivia Kelly	Plaintiff(s)
McCarter & English	Theresa Dill	Johnson & Johnson; Johnson & Johnson Consumer

IT IS on this **18<sup>th</sup>** day of **February 2020**, *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.

**EARLY SETTLEMENT**

February 28, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

**MEDICAL EXPERT REPORT**

April 3, 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**

April 3, 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 9, 2020 Summary judgment motions shall be filed no later than this date.

May 8, 2020 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

April 3, 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**

June 1, 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.

June 29, 2020                      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