

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

**Docket No:** L-2857-16 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

SHARLENE & MATTHEW RASCO, <i>Plaintiff(s),</i>
vs.
BRENNTAG NORTH AMERICA, INC., 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 *July 12, 2016*:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Simon Greenstone Panatier	Leah Kagan	Plaintiff(s) <i>co-counsel with Szaferman Lakind</i>
Hoagland Longo	Jillian Madison	Cyprus; Whittaker Clark & Daniels
Lynch Daskal	Kate Romick	Georgia Pacific
O'Toole Fernandez	Steven Weiner Gary Van Lieu	Colgate Palmolive

IT IS on this 13<sup>th</sup> day of July, 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.

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**

- |                   |  |
|-------------------|--|
| September 6, 2016 | Plaintiff shall serve answers to Form II interrogatories by this date.                             |
| July 29, 2016     | Defendants shall serve answers to standard interrogatories by this date.                           |
| August 5, 2016    | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| September 6, 2016 | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |
| August 5, 2016    | Defendants shall propound supplemental interrogatories and document requests by this date.         |
| September 6, 2016 | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.  |

October 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.

November 15, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 23, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

November 23, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 9, 2016 Summary judgment motions shall be filed no later than this date.

January 6, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

July 29, 2016 Plaintiff shall serve executed medical authorizations by this date.

November 4, 2016 Plaintiff shall serve medical expert reports by this date.

November 4, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 31, 2017 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**

December 9, 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.

January 31, 2017 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**

December 9, 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.

January 31, 2017 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 21, 2017 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**

February 24, 2017 @ 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.

March 27, 2017 **Trial-Ready** 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