

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

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

**Civil Action**

**CASE MANAGEMENT ORDER V  
AMENDED**

|   |
|---|
| ESTATE of SHARLENE RASCO,<br><i>Plaintiff(s),</i>           |
| vs.   |
| BRENNTAG NORTH AMERICA, INC., et al<br><i>Defendant(s).</i> |

*This matter having come in for a Case Management Conference before Special Master Agatha N.*

*Dzikiewicz and the following parties on June 14, 2018; and counsel having agreed upon and requested certain extensions to Case Management Order V;*

| <b>FIRM</b>                 | <b>ATTORNEY</b>          | <b>CLIENT</b>  |
|-----------------------------|--------------------------|--|
| <i>Simon Greenstone</i>     | <i>Joseph Mandia</i>     | <i>Plaintiff(s) co-counsel with Szaferman Lakind</i>         |
| <i>Archer &amp; Greiner</i> | <i>William O'Kane</i>    | <i>Fuller Industries</i>                                     |
| <i>Drinker Biddle</i>       | <i>Kevin DeMaio</i>      | <i>Johnson &amp; Johnson; Johnson &amp; Johnson Consumer</i> |
| <i>Hoagland Longo</i>       | <i>Daniel Kuszmerski</i> | <i>Whittaker Clark &amp; Daniels</i>                         |
| <i>McGivney Kluger</i>      | <i>Thomas McNulty</i>    | <i>VPC Fuller Brush</i>                                      |
| <i>O'Toole Scrivo</i>       | <i>Gary Van Lieu</i>     | <i>Colgate Palmolive</i>                                     |
| <i>Rawle Henderson</i>      | <i>Paul Smyth</i>        | <i>Cyprus Amax Minerals</i>                                  |

IT IS on this 15<sup>th</sup> day of **August, 2018**, that Case Management Order V is hereby;

**AMENDED** 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**

September 28, 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.

September 28, 2018 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

October 5, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

**SUMMARY JUDGMENT MOTION PRACTICE**

November 9, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 23, 2018 Summary judgment motions shall be filed no later than this date.

December 21, 2018 Last return date for summary judgment motions.

### **LIABILITY EXPERT REPORTS**

October 29, 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.

February 11, 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 29, 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.

February 11, 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**

March 25, 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**

February 1, 2019 The settlement conference previously scheduled on this date is **cancelled**.

March 15, 2019 @ 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.

April 15, 2019 Trial Date. (*The March 4, 2019 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