

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

**Docket No:** L-5427-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER II**

SAMUEL & GAIL RIZZO,  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 12, 2018:

FIRM	ATTORNEY	CLIENT
Cohen Placitella & Roth	William L. Kuzmin	Plaintiff(s)
Caruso Smith	Lisa Massimi	Union Carbide; CertainTeed
Connell Foley	Scott Press	PSE&G
Garrity Graham	Anthony Marino	United Conveyor Corp.
Gibbons PC	Ethan Stein	Honeywell International
Goldfein & Joseph	Madhurika Jeremiah	ACL; Bell
Jones Law Office	Richard V. Jones	Metropolitan Life
Maron Marvel	Lina C. Flanigan	Industrial Holdings Corp. f/k/a The Carborundum Co.
McGivney Kluger	Joel Clark	DAP
Reilly McDevitt	Adrianna Astringer	Cleaver Brooks
Speziali Greenwald	Joanne Hawkins	General Electric
Tanenbaum Keale	Christopher Keale	Borg Warner; CBS Corp.; Foster Wheeler
Vasios Kelly	Thomas J. Kelly, Jr.	Johnson & Johnson
Wilbraham Lawler	Lynn E. Roberts, III	PSEG

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

**DISCOVERY**

- January 11, 2019 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.
- January 11, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 15, 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 11, 2019 Plaintiff shall serve medical expert reports by this date.

March 11, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

May 31, 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**

March 11, 2019 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.

May 31, 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.

### **EXPERT DEPOSITIONS**

June 28, 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**

December 11, 2018 The settlement conference previously scheduled on this date is **cancelled**.

June 5, 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.

July 22, 2019 Pretrial Information Exchange submissions due.

July 29, 2019

Trial-Ready Date. (*The January 28, 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