

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

|  |  |
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| SAMUEL & GAIL RIZZO,<br><br>vs.<br><br>3M COMPANY, et al | <i>Plaintiff(s),</i><br><br><br><br><i>Defendant(s).</i> |
|--|--|

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 3, 2019:

| FIRM                    | ATTORNEY           | CLIENT   |
|-------------------------|--------------------|--|
| Cohen Placitella & Roth | Dennis Geier       | Plaintiff(s)   |
| Caruso Smith            | Alexandra Caruso   | Union Carbide; CertainTeed                               |
| Caruso Smith            | Richard V. Jones   | Metropolitan Life  |
| Garrity Graham          | Stephen F. Balsamo | United Conveyor Corp.                                    |
| Gibbons PC              | Ethan Stein        | Honeywell International                                  |
| Maron Marvel            | Lina C. Flanigan   | Industrial Holdings Corp. f/k/a The Carborundum Co.      |
| McGivney Kluger         | Jennifer Hally     | DAP  |
| Reilly McDevitt         | Joshua Sonstein    | Cleaver Brooks   |
| Tanenbaum Keale         | Pamela R. Kaplan   | Borg Warner; CBS Corp.; Foster Wheeler; General Electric |

IT IS on this 5<sup>th</sup> day of April, 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.

**MEDICAL EXPERT REPORT**

May 10, 2019            Plaintiff shall serve medical expert reports by this date.

May 10, 2019            Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 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**

May 10, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

July 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.

**SUMMARY JUDGMENT MOTION PRACTICE**

May 24, 2019 Summary judgment motions shall be filed no later than this date.

June 21, 2019 Last return date for summary judgment motions.

**EXPERT DEPOSITIONS**

August 30, 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**

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.

To be scheduled Final settlement conference.

September 3, 2019 Pretrial Information Exchange submissions due.

September 30, 2019 Trial-Ready Date. *(The July 29, 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