

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

**Docket No:** L-4675-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I  
AMENDED**

EDWARD ROSSELL,	<i>Plaintiff(s),</i>
vs.	
3M COMPANY, et al	<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 April 11, 2019:*

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
<i>Levy Konigsberg</i>	<i>Daniel Weiss</i>	<i>Plaintiff(s)</i>
<i>Caruso Smith</i>	<i>Marcia DePolo</i>	<i>Union Carbide</i>
<i>Dickie McCamey</i>	<i>William Smith</i>	<i>84 Lumber</i>
<i>Eckert Seamans</i>	<i>Misha Shah</i>	<i>Rogers Brothers Corp.</i>
<i>Goldberg Segalla</i>	<i>Leah Brndjar</i>	<i>Navistar, Inc.; CNH Industrial America</i>
<i>Hardin Kundla</i>	<i>Samuel Reisen</i>	<i>Deere &amp; Co.</i>
<i>Harwood Lloyd</i>	<i>Victoria Silva</i>	<i>Carlisle Industrial Brake &amp; Friction</i>
<i>Hawkins Parnell</i>	<i>Roy Viola</i>	<i>Pneumo Abex; Tecumseh Products</i>
<i>Landman Corsi</i>	<i>Jessica Lomia</i>	<i>Lincoln Electric; Fel-Pro</i>
<i>Lavin Cedrone</i>	<i>Catherine Brunermer</i>	<i>3M Company</i>
<i>LeClair Ryan</i>	<i>Adam G. Husik</i>	<i>Ford Motor Co.</i>
<i>McElroy Deutsch</i>	<i>Kate Chetta</i>	<i>Briggs &amp; Stratton</i>
<i>McGivney Kluger</i>	<i>Joel Clark</i>	<i>Foley, Inc.; Farm Rite, Inc.</i>
<i>Rawle &amp; Henderson</i>	<i>Samuel Garson</i>	<i>Mack Trucks, Inc.</i>
<i>Reilly McDevitt</i>	<i>Adrianna Astringer</i>	<i>Kawasaki Motor Group; Arvin Meritor</i>
<i>Salmon Ricchezza</i>	<i>David Jones</i>	<i>AGCO Corp.</i>
<i>Tanenbaum Keale</i>	<i>Robert M. Gilmartin</i>	<i>Borg Warner</i>

IT IS on this 27<sup>th</sup> day of **AUGUST 2019**, that Case Management Order I 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.

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.

## **DISCOVERY**

September 9, 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.

September 9, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

December 9, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

October 21, 2019 Plaintiff shall serve medical expert reports by this date.

October 21, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 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**

October 21, 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.

December 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**

October 11, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 25, 2019 Summary judgment motions shall be filed no later than this date.

November 22, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

October 21, 2019 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.

December 31, 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**

January 31, 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**

February 6, 2020 @ 10:00am      Status conference.

March 2, 2020                      Trial Date. (*The January 27, 2020 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

VACATED