

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

**Docket No:** L-4628-18 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

CYNTHIA & CHARLES SHEPHERD, <i>Plaintiff(s),</i>
vs.
BRENNTAG NORTH AMERICA, 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 February 7, 2019:

FIRM	ATTORNEY	CLIENT
Simmons Hanly	Laurence Nassif James Kramer	Plaintiff(s)
Goldberg Segalla	H. Lockwood Miller	Procter & Gamble Mfg. Co.
McCarter & English	Elizabeth Monahan	Johnson & Johnson; Johnson & Johnson Consumer
McGivney Kluger	Caitlin Bodtmann	Whitaker Clark & Daniels
O'Toole Scrivo	Gary Van Lieu	Colgate Palmolive
Rawle & Henderson	Brian Lowenberg	Cyprus Amax Minerals; Imerys Talc America

IT IS on this 7<sup>th</sup> day of **February, 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.

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.

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**

February 22, 2019	Plaintiff shall serve answers to standard interrogatories by this date.
March 8, 2019	Defendants shall serve answers to standard interrogatories by this date.
March 22, 2019	Plaintiff shall propound supplemental interrogatories and document requests by this date.
April 26, 2019	Defendants shall serve answers to supplemental interrogatories and document requests by this date.

March 22, 2019 Defendants shall propound supplemental interrogatories and document requests by this date.

April 26, 2019 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 28, 2019 Plaintiff depositions shall be conducted by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

June 28, 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.

July 31, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 6, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

February 22, 2019 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

October 1, 2019 Plaintiff shall serve medical expert reports by this date.

October 1, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

January 6, 2020 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 1, 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.

January 6, 2020 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.

**EXPERT DEPOSITIONS**

January 13, 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**

To be scheduled                      Settlement conference.

February 18, 2020                      Pretrial Information Exchange submissions due.

February 24, 2020                      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