

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

**Docket No:** L- 4527-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

JOSE SOTO,	<i>Plaintiff(s),</i>
vs.	
3M COMPANY, 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 September 28, 2017:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Joseph Cotilletta	Plaintiff(s)
Barry McTiernen & Moore	Graham Gering	Bacou Dalloz
Bonner Kiernan	Sheila King	Occidental Chemical Co.
Breuninger & Fellman	Raymond Chow	Genuine Parts Co.
Caruso Smith	Marcia DePolo	CertainTeed
DLA Piper	Stephen Barrett	BASF Catalysts
Drinker Biddle	Christine Lozier	American Optical
Gibbons PC	Robert Brown	Sherwin Williams
Harris Beach	Robert Schaefer	Saint Gobain Abrasives
Hawkins Parnell	Roy Viola	Pneumo Abex; Shanafelt Mfg.
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
Kelley Jasons	Angela Caliendo	Inductotherm
Kent & McBride	Jessica Lentini	Ferro Engineering; Alfa Laval, Inc.
Lavin O'Neil	Donna Candelora	Honeywell
Maron Marvel	Lina Carreras	Industrial Holdings; Pangborn LLC
McElroy Deutsch	Donna duBeth Gardiner	Pfizer Inc.
McGivney Kluger	Joel Clark	Gardner Denver; Allied Minerals
Montgomery Fetten	Brent Bouma	JH France Refractories
O'Brien Firm	Jodie J. Farrow	Kuhlman Electric
O'Toole Scrivo	Gary Van Lieu	Vanderbilt; Hill & Griffith; Whiting; WT/HRC
Porzio Bromberg	Diane Averell	AFC – Holcroft LLC
Rawle & Henderson	Paul Smyth	Cyprus Amax Minerals; Imerys Talc America
Reilly Janiczek	Brandy Harris	Ajax Tocco Magnether Mic; Lindberg
Saiber LLC	John Losinger	Alpine Group, Inc.
Salamon Ricchezza	Lisa Only	Beazer East, Inc.
Spezial Greenwald c/o Tanenbaum Keale	Pamela R. Kaplan	General Electric
Tanenbaum Keale	Pamela R. Kaplan	CBS Corp.; Foster Wheeler
Wilbraham Lawler	Tristin Fabro	Plastics & Engineering Co.

IT IS on this 3<sup>rd</sup> day of October , 2017, *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.

### **DISCOVERY**

- October 13, 2017 Plaintiff shall serve answers to standard interrogatories.
- October 27, 2017 Defendants shall serve answers to standard interrogatories by this date.
- November 10, 2017 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- December 11, 2017 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- November 10, 2017 Defendants shall propound supplemental interrogatories and document requests by this date.
- December 11, 2017 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 29, 2017 Plaintiff depositions shall be concluded 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.
- February 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.
- February 28, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- May 18, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- March 30, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- April 13, 2018 Summary judgment motions shall be filed no later than this date.
- May 11, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- October 13, 2017 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- October 13, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
- March 30, 2018 Plaintiff shall serve medical expert reports by this date.
- March 30, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- June 1, 2018 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 30, 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.
- June 1, 2018 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**

- March 30, 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.
- June 1, 2018 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**

- June 25, 2018 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 14, 2018 @ 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 13, 2018 Pretrial Information Exchange submissions due.

July 23, 2018

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

VACATED