

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

**Docket No:** L-5558-17 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER III**

DAVID WILLIAMS (Estate of Nancy Williams),  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 December 14, 2018:

FIRM	ATTORNEY	CLIENT
Locks Law Firm	Alfred Anthony	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed
Delany McBride	Brian Betley	Peerless Ind.
Eckert Seamans	Michael A. Posavetz	AO Smith Water Products Co.
Hack Piro	Christian Corro	HB Smith
Harwood Lloyd	Vicotria Silva	Carlisle
Hoagland Longo	Ibrahim Kosoko	Kohler Co.; Essex Plumbing
Landman Corsi	Jessica Lomia	Fel-Pro; ECR
Lavin O'Neil	Catherine Brunermer	3M Co.
LeClair Ryan	Gary Sapir	Ford Motor Co.
Lewis Brisbois	Kathleen Marron Trabold	Henkel Corp.
Margolis Edelstein	Nicholas Sulpizio	General Plumbing Supply
Marshall Conway	Adam Golub	Slant Fin Corp.
Marshall Dennehey	Paul Johnson	Jaeger Lumber; Pep Boys
McGivney Kluger	Thomas McNulty	DAP; Weil McLain
Methfessel Werbel	Charles T. McCook, Jr.	AutoZone
Pascarella DiVita	Madelyn Iulo	Trane US
Rawle & Henderson	Linda Dobbins	Hajoca
Swartz Campbell	Patrick Fitzmaurice	Samuels, Inc.
Wilbraham Lawler	Lynne E. Roberts, III	Karnak Corp.

IT IS on this 17<sup>th</sup> day of December, 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.

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**

March 15, 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.

March 15, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 26, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

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

August 5, 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**

April 15, 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.

August 5, 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**

April 26, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 10, 2019 Summary judgment motions shall be filed no later than this date.

June 7, 2019 Last return date for summary judgment motions.

### **ECONOMIST EXPERT REPORTS**

April 15, 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.

August 5, 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**

September 6, 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**

April 24, 2019 The settlement conference previously scheduled on this date is **cancelled**.

September 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.

October 7, 2019 Trial Date. (*The May 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