

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

**Docket No: L-4617-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER III**

<p>ESTATE OF FRANK ZELESNIK,  <i>Plaintiff(s),</i></p> <p>vs.</p> <p>3M COMPANY, et al  <i>Defendant(s).</i></p>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 10, 2015:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Clemente Mueller	Jessie Christine Basner	William Powell Co.
Drinker Biddle	Julie Tersigni	Neles-Jamesbury Inc.
Hoagland Longo	Daniel Kuszmerski	Goulds Pumps
Kent McBride	Ravi Shah	Binsky
Lynch Daskal	Alexander Ober	Georgia Pacific
Margolis Edelstein	J. Edmund Bryak	Central Jersey Supply
Marshall Dennehey	Paul Johnson	Warren Pumps; Kaiser Gypsum
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Crane
Reilly Janiczek	Michelle Cappuccio	ITT Corp.
Sedgwick LLP	Afigo Fadahunsi	Foster Wheeler; CBS; General Electric
Wilbraham Lawler	Elizabeth deBerardinis	Unilever

IT IS on this 13<sup>th</sup> day of April, 2015 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.

**DISCOVERY**

September 30, 2015      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.

October 30, 2015      Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

November 13, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 11, 2015 Summary judgment motions shall be filed no later than this date.

January 8, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 30, 2015 Plaintiff shall serve medical expert reports by this date.

October 30, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

February 12, 2016 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

October 30, 2015 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.

February 12, 2016 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**

December 18, 2015 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.

February 12, 2016 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**

February 29, 2016 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**

May 8, 2015                                      The settlement conference previously scheduled on this date is **cancelled**.

September 16, 2015                            The settlement conference previously scheduled on this date is **cancelled**.

February 24, 2016 @ 1:30pm                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.

March 21, 2016                                   Trial Date. (*The October 13, 2015 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  
            Brody Deposition Services  
            Priority One