

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

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

**Civil Action**

**CASE MANAGEMENT ORDER X**

ESTATE OF FRANK ZELESNIK, <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 October 24, 2017:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Caruso Smith	Lisa Massimi	CertainTeed; Union Carbide
Clemente Mueller	Dmitry Lapin	William Powell
Drinker Biddle	Jack Frost, Jr.	Neles Jamesbury
Lynch Daskal	David Freed	Georgia Pacific
Margolis Edelstein	Jeanine D. Clark	Central Jersey Supply
Marshall Dennehey	Kiera McGroarty	Warren Pumps
McElroy Deutsch	Michelle Hydrusko	Flowservice US Inc.; Exxon
McGivney Kluger	Kevin Hoffman	Binsky & Snyder
Pascarella DiVita	Inge R. Cully	Ingersoll Rand; Crane
Tanenbaum Keale	Christopher Keale	CBS Corp.
Wilbraham Lawler	Tristin Fabro	Unilever

IT IS on this 25<sup>th</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.

**DISCOVERY**

April 30, 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.

April 30, 2018 Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

November 6, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

December 7, 2017                      The settlement conference previously scheduled on this date is **cancelled**.

December 14, 2017 @ 10:00am      Early 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

May 11, 2018                      Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 25, 2018                      Summary judgment motions shall be filed no later than this date.

June 22, 2018                      Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

April 30, 2018                      Plaintiff shall serve medical expert reports by this date.

April 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.

July 27, 2018                      Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

April 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.

July 27, 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**

April 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.

July 27, 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**

August 24, 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**

February 27, 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.

March 27, 2018 The settlement conference previously scheduled on this date is **cancelled**.

August 29, 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.

September 17, 2018 Trial Date. (*The May 29, 2018 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