

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

Docket No: L-4617-13 (AS)

Civil Action

CASE MANAGEMENT ORDER XII

| |
|---------------------------------------------------|
| 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 August 7, 2018:

| FIRM | ATTORNEY | CLIENT |
|---------------------|------------------|----------------------------|
| Levy Konigsberg | Amber Long | Plaintiff(s) |
| Caruso Smith Picini | Lisa Massimi | CertainTeed; Union Carbide |
| Clemente Mueller | Dmitry Lapin | William Powell Co. |
| Delany McBride | Gaston Loomis | Peerless, Ind. |
| Margolis Edelstein | Jeanine D. Clark | Central Jersey Supply |
| Marshall Dennehey | Paul Johnson | Warren Pumps |
| McElroy Deutsch | Joseph D. Rasnek | Flowsolve US Inc.; Exxon |
| McGivney Kluger | Marc Wisel | Binsky & Snyder |
| Pascarella DiVita | Madelyn Iuso | Ingersoll Rand; Crane |
| Tanenbaum Keale | Pamela R. Kaplan | CBS Corp. |

IT IS on this 8th day of **August, 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.

EARLY SETTLEMENT

December 7, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

December 7, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

December 28, 2018 Summary judgment motions shall be filed no later than this date.

January 25, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

- November 30, 2018 Plaintiff shall serve medical expert reports by this date.
- November 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.
- March 15, 2019 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- November 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.
- March 15, 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.

ECONOMIST EXPERT REPORTS

- November 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.
- March 15, 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

- April 15, 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

- To be scheduled Settlement conference.
- May 13, 2019 Trial Date. *(The January 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