

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

Docket No: L-9783-09 (AS)

Civil Action

CASE MANAGEMENT ORDER I

<p>ESTATE OF KENNETH BUCK,</p> <p style="text-align: right;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>AJ FRIEDMAN SUPPLY CO., INC., et al</p> <p style="text-align: right;"><i>Defendant(s).</i></p>
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This matter coming on for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 14, 2010 and the following firms appearing:

Wilentz Goldman & Spitzer	Keven Friedman, Esq.	Plaintiff(s)
Baginski Mezzanotte	Karen L. Kuebler, Esq.	Sherman & Chaplin
Braaten & Pascarella	Regina DiStefano, Esq.	Trane US
Bucca & Campisano	Benjamin Bucca Jr., Esq.	IMO
Caruso Pope	Marcia DePolo, Esq.	Notte
Connell Foley	Christopher Abatemarco, Esq.	Superior Welding Supply
DiFrancesco Bateman	Joshua Beinhaker, Esq.	General Supply
Drinker Biddle	Vincent J. Montalo, Esq.	Neles Jamesbury
Gibbons	Charlene E. Davis, Esq.	JAM Industries
Golden Rothschild	Richard Boylan, Esq.	WA Birdsall
Hack Piro	Robert Alencewicz, Esq.	Johansen
Hardin Kundla	Ann Mader McKeon, Esq.	Strahman Valves; Calon Insualtion
Harris Beach	Jessica Eichel, Esq.	Kentile Floors, Inc.
Hoagland Longo	Nora Grimbergen, Esq. / Mark Wasef, Esq.	AGL; EMCO Fittings; Essex Plumbing; Kohler; Industrial Welding Supply ; Line A; Burnham; Collins Packing; Westfield Plumbing;
Hollstein Keating	Matthew James, Esq.	Tom's River Plumbing
Kent McBride	Courtney Dowd, Esq.	Pulmosan; TJ McGlone
Margolis Edelstein	Ryan M. Kooi, Esq.	Woolsulate; Ideal; Central Jersey; Verona Supply
Marks O'Neill	Sebastian Goldstein, Esq.	Roselle Plumbing; Van Houten Plumbing; Bayonne Plumbing
Maron Marvel	Meryl Topchik, Esq.	Keeler Dorr Oliver
Marshall Dennehey	Nadira Kirkland, Esq.	DB Riley Inc.
Mayfield Turner	Bethany Deal, Esq.	Riggs Distler, Utica
McCarter & English	Bryan H. Mintz, Esq.	L&H Plumbing & Heating
McGivney Kluger	Joel Clark, Esq.	Sid Harvey Ind.; Madsen & Howell; J.Heller; Raritan Supply; Weil McLain; John W. Wallace; Flowserve; Elizabeth Plumbing & Heating

O'Toole Fernandez	Leslie Lombardy, Esq.	Peerless Industries
Potter & Della Pietra	Michele Deluca, Esq.	National Plumbing Supply
Reilly Janiczek	Chrystale Hewitt, Esq.	Magnatrol
Sedgwick Detert	Marina Happs, Esq.	Foster Wheeler
Segal McCambridge	Douglas J. Gush, Esq.	BW/IP; Greene Tweed
Tierney Law Office	Mark Turner, Esq.	Elizabeth Industrial Supply; AJ Friedman Supply
Weiner Lesniak	Victoria Williams Donath, Esq.	Robert A. Keasbey

IT IS on this 18th day of June, 2010 *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 plaintiffs' 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

- September 17, 2010 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- September 17, 2010 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- September 29, 2010 Defendants shall serve answers to standard interrogatories by this date.
- September 17, 2010 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 15, 2010 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 24, 2010 Defendants shall propound supplemental interrogatories and document requests by this date.
- October 22, 2010 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 30, 2010 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.
- December 30, 2010 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

January 14, 2011 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 21, 2011 Summary judgment motions limited to product identification issues shall be filed no later than this date.

February 18, 2011 Last return date for product identification summary judgment motions.

POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE

March 23, 2011 @ 9:30am 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.
Case Management Conference to follow, if necessary.

MEDICAL DEFENSE

September 17, 2010 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

September 17, 2010 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

October 8, 2010 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

March 18, 2011 Plaintiff shall serve additional medical expert reports by this date.

March 18, 2011 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 22, 2011 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

March 18, 2011 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.

April 22, 2011 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 18, 2011 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.

April 22, 2011 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.

PRE-TRIAL AND TRIAL

May 12, 2011 @ 9:30am Final 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.

May 23, 2011 Trial Date.

Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.

/s/ Ann G. McCormick
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort
 Brody Deposition Services
 Priority One