

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

Docket No: **L-4648-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

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| <p>JAMES & ELAINE HUDSON,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>A&M WHOLESALE HARDWARE CO., et al</p> <p style="text-align: center;"><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 August 28, 2014:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|-------------------------------|---|
| Wilentz Goldman & Spitzer | Jon G. Kupilik | Plaintiff(s) |
| Baginski Mezzanotte | Patricia Lyons | Sherman & Chaplin |
| Barrett Lazar | Dale Hibbard | A&M Wholesale Hardware |
| Barry McTiernan | Patrick Little | RW Beckett |
| Bucca & Campisano | Benjamin Bucca, Jr. | IMO |
| Byrne Law Office | John J. Byrne III | Kessler |
| Carroll McNulty Kull | Michael A. Moroney | Spiraz Sarco |
| Caruso Smith Picini | Lisa Massimi | Union Carbide |
| Connell Foley | Richard Jagen | August Arace |
| Day Pitney LLP | Sylvia-Rebecca Gatierrez | Phelps Dodge Ind. |
| Hardin Kundla | Nicea D'Annunzio | Calon |
| K&L Gates | Michael Waller Stacy Hyman | Bayer Argro |
| Kelley Jasons | Joseph Vassalotti | Ric Wil Inc. |
| Kent McBride | David Rutkowski | Binsky; TJ McGlone |
| Landman Corsi | Elissa Denniston Regev | Robert W. Johnson Medical Center |
| Langsam Stevens | Dave McHale | Zy-Tech Global |
| Margolis Edelstein | J. Edmund Bryak | Ideal Supply; Woolsulate; Central Jersey |
| McGivney Kluger | Joel Clark | Raritan Supply; Bergen Ind.; Weil-McLain; Gorman Rupp |
| Methfessel & Werbel | Charles T. McCook, Jr. | St. Peters Hospital |
| Millett & Associates | Richard Millet | NL Industries |
| Norris McLaughlin | Martha Donovan | Rutgers |
| O'Brien Firm | Ingrid H. Graff | Grant Supply |
| Pepper Hamilton | John Brenner | Bristol Myers Squibb |
| Rawle & Henderson | John McMeekin | Hajoca |

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|--------------------|----------------------|--|
| Swain & Westreich | Kenneth Westreich | Dolan & Traynor |
| Tierney Law Office | Edward Henry | AJ Friedman; Elizabeth Industrial Supply; Major Inc. |
| Vasios Kelly | Thomas J. Kelly, Jr. | Johnson & Johnson |

IT IS on this 3rd day of **September, 2014** *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 19, 2014 Defendants shall serve answers to standard interrogatories by this date.
- September 19, 2014 Plaintiff and third-party plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 24, 2014 Defendants and third-party defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 30, 2014 Defendants and third-party defendants shall propound supplemental interrogatories and document requests by this date.
- October 31, 2014 Plaintiff, third-party plaintiff and co-defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 31, 2014 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.
- January 30, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

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

SUMMARY JUDGMENT MOTION PRACTICE

- March 6, 2015 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- April 3, 2015 Last return date for product identification summary judgment motions.

MEDICAL DEFENSE

- December 31, 2014 Plaintiff shall serve additional medical expert reports by this date.
- December 31, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- May 1, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

- May 29, 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.
- June 30, 2015 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

- May 29, 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.
- June 30, 2015 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

- July 17, 2015 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 7, 2015 @ 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.
- June 24, 2015 @ 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.

July 27, 2015

Trial 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