

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

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

Civil Action

CASE MANAGEMENT ORDER III

<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>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on January 13, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Baginski Mezzanotte	Mark MacDonald	Sherman & Chaplin
Barrett Lazar	Dale Hibbard	A&M Wholesale Hardware
Barry McTiernan	Sean Connelly	RW Beckett
Byrne Law Office	John J. Byrne	Kessler
Carroll McNulty Kull	Kersten Kortbawi	Spiraz Sarco
Caruso Smith Picini	Lisa Massimi	Union Carbide
Day Pitney LLP	Marc D. Crowley	Phelps Dodge Ind.
Hack Piro	Robert Alencewicz	Johansen; HB Smith
Hardin Kundla	Nicea D'Annunzio	Calon
K&L Gates	Michael Waller	Bayer Argro
Kelley Jasons	Stephen M. Capriotti, Jr.	Ric Wil Inc.
Kent McBride		Binsky; TJ McGlone
Landman Corsi	Elissa Denniston Regev	Robert W. Johnson Medical Center
Langsam Stevens	Jeannie Lee	Zy-Tech Global
Margolis Edelstein	Ryan Buchanan	Ideal Supply; Woolsulate; Central Jersey
McGivney Kluger	Joel Clark	Raritan Supply; Bergen Ind.; Weil-McLain; Gorman Rupp
Methfessel & Werbel	Amanda Sauter	St. Peters Hospital
Millet & Associates	Richard D. Millet	NL Industries
Norris McLaughlin		Rutgers
O'Brien Firm	Brian Lawler	Grant Supply
Pepper Hamilton	Nicholas Kautletsis	Bristol Myers Squibb
Rawle & Henderson	Susan Riechelson	Hajoca
Segal McCambridge	Stephanie Devos	BW/IP
Swain & Westreich	Kenneth Westreich	Dolan & Traynor

Tierney Law Office	Mark Turner	AJ Friedman; Elizabeth Industrial Supply; Major Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Johnson & Johnson

IT IS on this 14th day of **January, 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

- January 23, 2015 Binsky & Snyder, Calon, Ideal Supply and Raritan Supply shall serve answers to standard interrogatories by this date.
- January 30, 2015 Bergen Industrial, Binsky & Snyder, Calon, Johansen and Raritan Supply shall serve answers to supplemental interrogatories and document requests by this date.
- January 30, 2015 A&M Wholesale Hardware shall serve a response to plaintiff's request for more specific answers to interrogatories by this date.
- January 30, 2015 Bristol Meyers Squibb, Johnson & Johnson and Union Carbide shall serve answers to premises interrogatories by this date.
- February 13, 2015 Bristol Meyers Squibb, Johnson & Johnson, NL Industries, Phelps Dodge, Rhodia Chemical and Union Carbide shall provide responses to document requests by this date.
- February 13, 2015 Defendants shall identify corporate representative or witnesses (non-expert) who will be appearing at trial by this date.
- February 13, 2015 Premises defendants shall advise whether their corporate representatives or witnesses have personal knowledge about work performed on their premises prior to 1969 by this date.
- March 31, 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.
- April 30, 2015 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- May 8, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.
- May 7, 2015 The settlement conference previously scheduled on this date is **cancelled**.

June 24, 2015 The settlement conference previously scheduled on this date is **cancelled**.

June 9, 2015 @ 9:30am 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

August 7, 2015 Summary judgment motions shall be filed no later than this date.

September 4, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

March 31, 2015 Plaintiff shall serve additional medical expert reports by this date.

March 31, 2015 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 31, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date. **In addition, defendants shall notify plaintiff's counsel (as well as all counsel of record) of a joinder in an expert medical defense by this date.**

LIABILITY EXPERT REPORTS

July 31, 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.

September 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

July 31, 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.

September 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

October 16, 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

October 8, 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.

November 2, 2015 Trial Date. (*The July 27, 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