

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

PLUMBERS / PIPEFITTERS XXI (21)

DENGEL                      L-1991-13 --- severed 5/9/17  
LYNCH                        L-4567-13

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on *December 12, 2016*:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Barrett Lazar	E. Michael Garrett, Jr.	A&M Wholesale Hardware
Biedermann Hoenig	Justin A. Guilfoyle	Zimmerman & Jansen
Connell Foley	Scott Press	Lawton & Burns; Superior Welding Supply
Day Pitney LLP	Alba V. Aviles	International Paper
DeCotiis Fitzpatrick	Michael A. Moroney	Spirax Sarco
Delany McBride	Gerald Strachan	Peerless
Garrity Graham	Anthony J. Marino	Damn G. Douglas
Gibbons PC	Mark R. Galdieri	Hoffman-La Roche Inc.
Gibbons PC	Todd Roth	Yuba Heat Transfer Corp.
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Bak-A-Lum; Smith Oxygen; Praxair; Strahman Valves
Hawkins Parnell	Roy Viola	Milwaukee Valve
Hoagland Longo	Daniel Kuzmerski	Community Plumbing Supply; Essex Plumbing; Industrial Welding; Westfield Plumbing & Heating; AGL Welding Supply; Airgas East
K & L Gates LLP	Stacey Hyman	Allegheny Technologies
Kent McBride	Robert Florke	Alfa Laval
Langsam Stevens	David J. McHale	Zy-Tech Global
Leader & Berkon	Christine Bucca	IMO Industries
Lewis Brisbois	Steven T. Corbin	Henkel Corp.
Littleton Joyce	Christine M. Delaney	McMaster Carr
Margolis Edelstein	Dawn Dezii	Woolsulate; Welco; Ideal Supply
Marks O'Neill	Paul Smyth	Roselle Plumbing; Van Houten-Denver
Mayfield Turner	Jacob Crockett	Carrier Corp.
McCarter & English	Elizabeth Monahan	Parker-Hannifin Corp.
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Foxboro
McGivney Kluger	Kevin Hoffman	Binsky & Snyder
McGivney Kluger	Thomas McNulty Caitlin Bodtmann Derrick Grant	Raritan Supply; Weles Derby; Fairbanks; DAP; Bayway Lumber; Guardian Protech; North Stelton Lumber; Builders General; Elizabeth Plumbing & Heating; Allied Rubber

		Bergen Industrial; John Martel; Pashman Supply; Wales Darby; Weil McLain; Taco; Armstrong Pump; Hoke; Duriron; Sporlan Valve; Akron Gasket; Flemington Supply; Ameron; North Carolina Enterprises; Marley Cooling
Methfessel & Werbel	Amanda Sawyer	Ironbound Supply
Nowell, PA	Jack Zapotoczny	United Supply
O'Toole Fernandez	Gary Van Lieu	JW Goodliffe; WA Birdsall; Dana
Pascarella DiVita	Inge Cully	Ingersoll Rand Co.; Trane US Inc.
Potters & Della Pietra	Michele DeLuca	National Plumbing Supply
Reilly Janiczek	Adrianna Exler	Magnatrol
Segal McCambridge	Stephanie A. DeVos	BW/IP
A Smith Law Group	Andrea J. Smith <a href="mailto:andrea@asmithlawgroup.com">andrea@asmithlawgroup.com</a>	Yula
Styliades Mezzanotte	Patricia Lyons	Sherman & Chaplin
Swain & Westreich	Kenneth Westreich	Dolan & Traynor
Swartz Campbell	William Morlok	Allied Glove
Tierney Law Office	Brian Garbaez	Major Inc.; Elizabeth Industrial Supply; AJ Friedman Supply
Vasios Kelly	David W. Badie	Argo International; Armstrong International
Wilbraham Lawler	Matthew Jones	Greene Tweed; DAL Tile Corp.

IT IS on this 13<sup>th</sup> day of **December, 2016**, *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 plaintiff's 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.

These matters are hereby consolidated for discovery, case management and trial.

### **DISCOVERY**

- January 13, 2017      Plaintiff shall serve answers to standard interrogatories.
- January 31, 2017      Defendants shall serve answers to standard interrogatories by this date.
- January 31, 2017      Defendants shall **propound** supplemental interrogatories and document requests by this date.
- February 28, 2017      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

April 28, 2017 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

April 28, 2017 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 28, 2017 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

June 30, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

#### **As to Dengel:**

May 12, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

May 26, 2017 Summary judgment motions shall be filed no later than this date.

June 23, 2017 Last return date for summary judgment motions.

#### **As to Lynch:**

June 9, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

June 23, 2017 Summary judgment motions shall be filed no later than this date.

July 21, 2017 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

January 13, 2017 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

January 13, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

September 15, 2017 The defense medical examination of plaintiff(s) shall be completed by this date.

October 20, 2017 Defendants shall identify its medical experts and serve medical 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**

August 28, 2017 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.

October 20, 2017 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**

- August 28, 2017 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.
- October 20, 2017 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**

- November 3, 2017 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**

- November 2, 2017 @ 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 27, 2017 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: counsel:

Sweet Pasquarelli for Danco, Inc.

**Brown & Connery for AAF-McQuay - added**

cc: Clerk, Mass Tort