

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

Docket No: **L-4647-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

<p>GEORGE MARRAPODI,</p> <p style="text-align: center;"><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: 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 December 5, 2013:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Darron Berquist	Plaintiff(s) Counsel <i>(co-counsel with Wilentz Goldman &amp; Spitzer)</i>
Breuninger Fellman	Raymond Chow	Genuine Parts Co.; National Automotive Parts Assoc.
Caruso Smith Picini	Lisa Massimi	CertainTeed
Connell Foley	Timothy Corrison	August Arace; Lawton Burns
Delany O'Brien	Brian Lawler	Grant Supply
Epstein Cohen Gilberti	Michael Gilberti	Crane Co.
Gibbons PC	Robert Brown	Honeywell International; Hoffmann-LaRoche
Hack Piro	Robert Alencewicz	HB Smith
Hardin Kundla	Nicea D'Annunzio	Aaron & Company
Hawkins Parnell	Edward Abbot	Oakfabco Inc.; Pneumo Abex
Hoagland Longo	Steven Satz	Burnham
Hoagland Longo	Daniel Kuzmerski	Johnson Controls Inc.; York International; Kohler Co.
Hodgson Russ	Erin Teske	Danfoss Flomatic Corp.
K& L Gates	Christopher Archer	Nordyne Inc.
Kent McBride	David Rutkowski	SOS Products Co., Inc.
Lavin O'Neil	Edward T. Finch	Verizon New Jersey Inc.
Leader Berkon LLP	Lynelle Maginley-Liddie	Maxxam Inc.
Littleton Joyce	Robert Kelly	BASF Corp.
Lynch Daskal	Cynthia Cho	Georgia Pacific
Margolis Edelstein	Joni Tarchichi	Chevron Phillips Chemical
Marks O'Neill	Sebastian Goldstein	Honeywell Inc.; Superior Boiler Works
McElroy Deutsch	Joseph D. Rasnek	AO Smith; Pabst Brewing Co.
McGivney Kluger	Joel Clark Thomas McNulty	Sloan Valve; Weil McLain; Pecora; Lear Siegler; Taco; Flemington Rainbird; L&H Plumbing Supply; Educational Testing Service
O'Toole Fernandez	Gary Van Lieu	Colgate Palmolive
Pascarella DiVita	Stephanie DiVita	Trane US, Inc.

Pepper Hamilton	John Brenner	Bristol Myers Squibb
Porzio Bromberg	Michelle Burke	Wyeth Holdings Corp.
Reilly Janiczek	Karen Stanzione Conte	Cleaver Brooks; ITT Corp.
Reinartz Law Firm	Richard Reinartz	McGraw Hill
Sedgwick LLP	Bridget Polloway	General Electric; CBS Corp.
Slowinski Atkins	Angelo Cuonzo	Tenneco Inc.
Swain Westreich	Kenneth Westreich	Buist Inc.; Carlin & Steinitz Inc.
Tierney Law Offices	Ted Henry	AJ Friedman Supply Co., Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Armstrong International; Ethicon; Johnson & Johnson
Waters McPherson	Nicholas Filocco	Turner Construction Co.
Wilbraham Lawler	Andrew Greco	Lennox Industries; Unilever US Inc.
Wilson Elser	Eric Evans	Prudential

IT IS on this 6<sup>th</sup> day of **December, 2013** *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**

- January 15, 2014      Defendants shall produce Releases from prior asbestosis claim action by this date.
- December 31, 2013      Defendants shall serve answers to standard interrogatories by this date.
- January 17, 2014      Plaintiff shall propound supplemental interrogatories and document requests by this date.
- February 14, 2014      Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- January 17, 2014      Defendants shall propound supplemental interrogatories and document requests by this date.
- February 14, 2014      Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- March 21, 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.
- March 21, 2014      Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

March 21, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 28, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.

April 25, 2014 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

December 31, 2013 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.

January 15, 2014 Plaintiff shall serve additional medical expert reports by this date.

May 19, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

April 18, 2014 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.

May 19, 2014 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.

June 20, 2014 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

### **ECONOMIST EXPERT REPORTS**

April 18, 2014 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.

May 19, 2014 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 18, 2014 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**

July 16, 2014 @ 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.

August 18, 2014 Trial Date.

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

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One