

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

<u>PLUMBERS/PIPEFITTERS XX (20)</u>	
DeVITO	L-7964-12
MANNING	L-1551-12

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 25, 2014:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Baginski Mezzanotte	Patricia Lyons	Speakman
Barrett Lazer	Dale Hibband	A&M Wholesale Hardware
Bucca & Campisano	Christine Bucca	IMO Industries
Carroll McNulty Kull	Michael Moroney	Spirax Sarco
Caruso Smith	Marcia DePolo	Brent Material Co.
Connell Foley	Meghan Musso	Plibrico; Superior Welding Supply
Day Pitney	Michael J. Fitzpatrick	International Paper
Dickie McCamey	Thomas E. O'Donnell	Frank W. Schaeffer, Inc.
Gibbons	Alan R. Gries	Canuso
Golden Rothschild	Richard Englehardt	WA Birdsall
Hack Piro	Robert Alencewicz	Luce Schwab & Kase; Johansen; HB Smith
Hoagland Longo	Misha Shah	Wallwork; Westfield Plumbing; Kohler; AGL Welding; Airgas/Jersey Welding Supply; Essex Plumbing; Jonston Boiler; McJunkin; Industrial Welding Supply; Burnham; Line A; York Int'l.; Superior Welding & Boiler
Kelly Jasons	Angela Caliendo	Ric Wil Inc.
Kent McBride	Ravi Shah	Altherm; SOS; Utica
Lenahan & Rockwell	Kristin Deleppo	Nooter Corp.
Margolis Edelstein	Ryan Buchanan	American Plumbing Supply; Lehigh; Woolsulate; United Engineers; Industrial Rubber; Ideal Supply; Central Jersey Supply
Marin Goodman	Rodrigo Armand, Jr.	Fluor
Marks O'Neill	Paul Smyth	Donald C. Rodner; Atlantic Plumbing; Weinstein Supply
Marshall Conway	Thomas J. Nemia	Slant/Fin
Marshall Dennehey	Paul Johnson	Kaiser Gypsum; Air Products
McElroy Deutsch	Joseph D. Rasnek	AO Smith; State Industries

McGivney Kluger	Joel Clark Thomas McNulty	Central Boiler Repair; Herman Sommer; Flemington Supply; Manhattan Welding; Bonney Forge Corp.; Taco; DAP; Factory & Mill; Henkel Corp.; John Wood; Economy Hardware & Plumbing; NJ Boiler; Allied Rubber & Gasket; Bradco Supply; Madsen & Howell; Bergen Industrial; Raritan Supply; Fairbanks; Weil McLain; Armstrong Pumps; Fire Brick Engineers; SM Electric; Marley Cooling; L&H Plumbing & Heating; SPX Cooling Tech.
Methfessel & Werbel	Matthew Rachmiel	Ironbound Supply Co.
O'Brien Firm	Ingrid H. Graff	Grant Supply
O'Toole Fernandez	Michael Garcia	JW Goodliffe
Pascarella DiVito	Madelyn Iulo	Trane US
Reilly Janiczek	Michelle Cappuccio	Miller & Chitty; Cleaver Brooks; ITT Corp.
Ricci Tyreell Johnson	Robert Levicoff	Chicago Bridge & Iron
Sedgwick LLP	Bridge Polloway	Foster Wheeler; General Electric
Swartz Campbell	William Morlok	Allied Glove; Walrich
Tierney Law Office	Edward Henry	Major Inc.; AJ Friedman; Elizabeth Industrial; Sander Mechanical; Bradley Sciocchetti
Vasios Kelly Strollo	David Badie	Argo International
Wilbraham Lawler	Andrea Greco	Dunphy Smith; Green Tweed; Dal-Tile; Karnak

IT IS on this **29th** 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*.

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

DISCOVERY

October 10, 2014 Defendants Fire Brick Engineers and SPX Cooling Technologies shall serve answers to standard interrogatories 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

As to DeVITO:

November 21, 2014 Summary judgment motions shall be filed no later than this date.

December 19, 2014 Last return date for summary judgment motions.

As to MANNING:

January 9, 2015 Summary judgment motions shall be filed no later than this date.

February 6, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 31, 2014 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

March 6, 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.

April 6, 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

March 6, 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.

April 6, 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

April 24, 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

March 26, 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.

April 28, 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.

May 11, 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