

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

**Docket No: L-8062-10 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ANTONIO SPINA,

*Plaintiff(s),*

vs.

AJ FRIEDMAN SUPPLY CO., et al

*Defendant(s).*

This matter coming on for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on December 10, 2010 and the following firms appearing:

Wilentz Goldman & Spitzer	Angelo Cifaldi, Esq. / and Philip Tortoreti, Esq.	Plaintiff(s)
Braaten & Pascarella	Matthew Aboyme, Esq.	Trane US, Inc.
Caruso Pope	Nicholas Albano III, Esq.	Union Carbide; CertainTeed
Connell Foley	Christopher Abatemarco, Esq.	August Arace; Palermo Supply
Garrity Graham	Michael McGrath, Esq.	State Insulation
Gibbons	Robert Brown, Esq.	Hoffman-La Roche
Hack Piro	Michael Leegan, Esq.	Johansen; Luce, Schwab & Kase, Inc.
Hardin Kundla	Cynthia Lee, Esq.	Aaron & Co.; Calon; John Zink;
Hoagland Longo	Nora Grimbergen, Esq.	Abe Gruber; AGL Welding; Airgas/Jersey Welding; Burnham; Davidsen & Howard; Thermatic; York; WW Grainger
Holland & Knight	Katherine Skeele, Esq.	Flomatic Corp.
Kent McBride	Kevin Hoffman, Esq.	Pulmosan; TJ McGlone
Margolis Edelstein	Lisa Green, Esq.	Verona Supply; Ideal Supply; General Plumbing; Engineering & Refrigeration Inc.; Monsen Engineering Co.; Woosulate; CFC Distributing Co.; Charles Connelly
Marks O'Neill	Rachel Mandell, Esq.	Van Houten Plumbing & Heating Supply Co.
Marshall Dennehey	Paul Johnson, Esq.	Air Products; Riley Stoker
Mayfield Turner	Michael Lengel, Esq.	Utica Boilers, Inc.; Carrier Corp.
McCarter & English	Mitchell Kurtz, Esq.	L&H Plumbing
McElroy Deutsch	Lindsey Bobinger, Esq.	AO Smith
McGivney Kluger	Joel Clark, Esq.	Sid Harvey; Taco; Armstrong Pump; Sporlan Valve; Manhattan Welding
Methfessel & Werbel	William Bloom, Esq.	Ironbound Supply
Nelson Levine	Jeannie Park, Esq.	Zy-Tech

O'Toole Fernandez	Gary Van Lieu, Esq.	Dana; Sanders Roofing; PM Industrial; Central Engineering; James Plumbing; National Combustion; Peerless; Wichiten
Pashman Stein	Adam Schwartz, Esq.	Broad Industrial
Reilly Janiczek	Jennifer Axelrod, Esq.	ITT; Cleaver Brooks; Universal Supply
Sedgwick Detert	Eric Helman, Esq.	Foster Wheeler
Segal McCambridge	Lindsey Foster, Esq.	Victaulis
Tierny Law Office	Mark Turner, Esq.	
Weiner Lesniak	Victoria Williams Donath, Esq.	Robert A. Keasbey
Wilbraham Lawler	Michael Block, Esq.	Dunphey Smith
Wilson Elser	Melissa Landau, Esq.	Ductmate

IT IS on this 13<sup>th</sup> day of December, 2010 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 31, 2011 Plaintiff shall serve answers to wrongful death interrogatories by this date.

January 7, 2011 Defendants shall serve answers to standard interrogatories by this date.

February 28, 2011 Plaintiff shall propound supplemental interrogatories and document requests by this date.

March 31, 2011 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

February 28, 2011 Defendants shall propound supplemental interrogatories and document requests by this date.

March 31, 2011 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

May 31, 2011 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.

May 31, 2011 Depositions of corporate representatives shall be completed by this date.

### **CASE MANAGEMENT CONFERENCE**

June 2, 2011 @ 9:30am Case Management Conference is scheduled before the Special Master.

### **SUMMARY JUDGMENT MOTION PRACTICE**

June 24, 2011 Summary judgment motions limited to product identification issues shall be filed no later than this date.

July 22, 2011 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

January 31, 2011 Plaintiff shall serve executed medical authorizations by this date.

February 18, 2011 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.

February 28, 2011 Plaintiff shall serve additional medical expert reports by this date.

February 28, 2011 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 29, 2011 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

June 30, 2011 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.

July 29, 2011 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.

August 26, 2011 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

### **ECONOMIST EXPERT REPORTS**

June 30, 2011 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.

July 29, 2011

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.

**PRE-TRIAL AND TRIAL**

To be scheduled

Final settlement conference.

August 29, 2011

Trial Date.

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

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One