

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

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

Civil Action

CASE MANAGEMENT ORDER IV

ANTONIO SPINA,
<i>Plaintiff(s),</i>
vs.
AJ FRIEDMAN SUPPLY CO., et al
<i>Defendant(s).</i>

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on April 22, 2013 with the following firms appearing:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti Vincent Cheng	Plaintiff(s)
Baginski Mezzanotte	Jacquilin Rosa	John Zinc; Sherman & Chaplin
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Connell Foley	Christopher Abatemarco	August Arace; Palermo Supply
Delany & O'Brien	Ingrid Graff	Grant Supply
Gibbons	Mark R. Galdieri	Hoffman-La Roche
Hardin Kundla	Cynthia Lee	Aaron & Co.; Calon
Hoagland Longo	Nora Grimbergen	Abe Gruber; AGL Welding; Airgas/Jersey Welding; Burnham; Davidsen & Howard; Thermatic; York; WW Grainger
Kelley Jasons	Joseph Vassalotti	Victaulic
Kent McBride	Kevin Hoffman	TJ McGlone; Binsky & Snyder
Margolis Edelstein	Ryan M. Kooi	Verona Supply; Ideal Supply; General Plumbing; Engineering & Refrigeration Inc.; Monsen Engineering Co.; Woolulate; CFC Distributing Co.; Charles Connelly
Marks O'Neill	Dennis Schmieder	Van Houten Heating & Plumbing
Marshall Dennehey	Lisa Only	Riley Power, Inc.
McElroy Deutsch	Joseph D. Rasnek	AO Smith
McGivney Kluger	Thomas McNulty Caitlin Christie	Sid Harvey; Madsen & Howell; Fairbanks; Weil McLain; Taco; Armstrong Pumps; Grundfos; Nutley Heating; Johnston Supply; Sporlan Valve; Manhattan Welding; Marley Cooling Tower; White & Shauger; L&H Plumbing
Methfessel & Werbel	Matthew Rachmiel	Ironbound Supply Co.
O'Toole Fernandez	Leslie Lombardy	Sanders; National Combustion; James Plumbing; Central Engineering; PM Industrial

		Dana; Peerless Ind.
Pashman Stein	Michael J. Zoller	Broad Industrial Supply Co.
Pepper Hamilton	John Brenner	Bristol-Myers Squibb
Reilly Janiczek	Shannon Kelly	ITT; Cleaver Brooks; Hilco Inc. (individually and as successor to Universal Supply Group, Inc.)
Sedgwick LLP	Connie Cerrati	Foster Wheeler
Tierney Law Office	Mark Turner	AJ Friedman Supply Co., Inc.
Wilbraham Lawler	Andrea Greco	Dunphey-Smith Corp.
Wilson Elser		Ductmate

IT IS on this 31st day of August, 2012 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

- June 28, 2013 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- May 22, 2013 Defendants shall serve answers to standard interrogatories by this date.
- June 28, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 31, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 31, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 20, 2013 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.
- October 18, 2013 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- May 8, 2013 The settlement conference previously scheduled on this date is **CANCELLED**.
- September 30, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.
- October 31, 2013 @ 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

November 8, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.

December 6, 2013 Last return date for product identification summary judgment motions.

OTHER MOTIONS

November 8, 2013 Filing date.

December 6, 2013 Return date.

MEDICAL DEFENSE

May 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.

December 31, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

LIABILITY EXPERT REPORTS

January 6, 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.

February 6, 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.

March 6, 2014 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

ECONOMIST EXPERT REPORTS

January 6, 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.

February 6, 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

March 21, 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

February 26, 2014 @ 10:00am 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 7, 2014 Trial Date. *(The July 15, 2013 trial is adjourned to this 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: counsel:
Terkowitz Hermesmann
cc: Clerk, Mass Tort
 Brody Deposition Services
 Priority One