

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

Docket No: **L-5763-12 (AS)**

MARCUS & ROSALYN STRAUSS,  <i>Plaintiff(s),</i>  vs.  APS PLUMBING & HEATING SUPPLY, et al  <i>Defendant(s).</i>
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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 January 23, 2014:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Colquhoun & Colquhoun	Sean Colquhoun	All State
Hoagland Longo	Katherine Blok	Community Plumbing Supply; Lawrence Kantor; Westside Plumbing Supply
Marshall Dennehey	Lisa M. Only	Jaeger Lumber; Crosstown Plumbing
McGivney Kluger	Joel Clark	Manders Plumbing; East Brunswick Supply; Elizabeth Plumbing; Manhattan Welding
Swain & Westreich	Kenneth P. Westreich	Palmer Plumbing

IT IS on this 24<sup>th</sup> day of January, 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.

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, 2014 | Defendants shall serve answers to standard interrogatories by this date.                           |
| February 7, 2014 | Plaintiff shall propound supplemental interrogatories and document requests by this date.          |
| March 7, 2014    | Defendants shall serve answers to supplemental interrogatories and document requests by this date. |

February 7, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.

March 7, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

May 9, 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.

May 9, 2014 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

May 30, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

June 30, 2014 @ 1:30pm 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**

May 23, 2014 Summary judgment motions shall be filed no later than this date.

June 20, 2014 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

February 21, 2014 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.

April 30, 2014 Plaintiff shall serve medical expert reports by this date.

April 30, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 22, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

July 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.

August 22, 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.

**ECONOMIST EXPERT REPORTS**

July 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.

August 22, 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**

September 12, 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**

September 5, 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.

September 29, 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