

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

Docket No: L-5763-13 (AS)

Civil Action

CASE MANAGEMENT ORDER V

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

This matter coming in for a Case Management Conference before the Honorable Ana C. Viscomi and the following parties on July 10, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Carroll McNulty Kull	Stefanie Rokosz	Spirax Sarco
Grubb Law Firm	Kevin Grubb	Union Pump
Hoagland Longo	Andrew Kessler	Community Plumbing; Lawrence Kantor; Westside Plumbing
Hoagland Longo	Jeff Smith	Essex Plumbing; AGL Welding; Industrial Welding
Kent McBride	Charles P. Savoth III	Binsky & Snyder
Langsam Stevens	Jeannie Park Lee	Zy-Tech
Margolis Edelstein	Jeanine D. Clark	Central Plumbing Supply; APS Plumbing & Heating Supply; Engineering & Refrigeration
Marks O'Neill	Sebastian Goldstein	Bayonne Plumbing; Atlantic Plumbing; Van Houtan Plumbing; Van Houten –Avenel; Roselle Plumbing
Marshall Dennehey	Paul Johnson	Hanover Supply
McElroy Deutsch	Joseph D. Rasnek	Samson Electric
McGivney Kluger	Nicholas DeMattheis	Manhattan Welding; East Brunswick Supply; Fairbanks
McGivney Kluger	Caitlin Christie	Sloan Valve; Raritan Supply; Sid Harvey
McGivney Kluger	Pooja Patel	Pashman; Elizabeth Plumbing; Weil-McLain
Montgomery Chapin Fetten	John S. Fetten	J.H. France
O'Brien Firm	Brian P. Lawlor	Grant Supply
Pascarella DiVita	Joshua Greeley	Trane US Inc.; Ingersoll-Rand
Rawle & Henderson	Linda Dobbins	Hajoca Corp.
Ricci Tyrrell Johnson	Brian Scanlon	Toms River Plumbing
Tierney Law Office	Kevin Buttery	Elizabeth Industrial; AJ Friedman Supply
Weiner Lesniak	Robert Ball	Red White Valve
Wilbraham Lawler	John A. Fitzpatrick	South Amboy Plumbing

IT IS on this 13th day of July, 2015 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

- July 24, 2015 The time by which newly impleaded defendants, brought in by the fifth Amended Complaint, may file an answer to the complaint is extended to this date.
- September 10, 2015 Defendants Lawrence Kantor and Engineering Roofing shall serve answers to interrogatories by this date.
- August 10, 2015 Defendants Community Plumbing, Lawrence Kantor, Taub Plumbing, General Plumbing, and East Brunswick Plumbing shall serve plaintiff's counsel transcripts (depositions and/or trial) from corporate representative. Defendant APS Plumbing shall forward letter identifying that no corporate representatives with knowledge of corporation during relevant time frame available.
- August 24, 2015 Plaintiff to advise above noted defendants, whether corporate representative deposition still needed by this date.
- August 10, 2015 Defendants shall propound supplemental discovery by this date.
- September 10, 2015 Plaintiff shall serve answers to supplemental discovery by this date.
- October 9, 2015 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 9, 2015 The deposition of the widow shall be completed by this date or waived.
- October 12, 2015 Deadline for defendants to complete any corporate representative depositions.

SUMMARY JUDGMENT MOTION PRACTICE

- December 11, 2015 Summary judgment motions shall be filed no later than this date by any new parties and third-party defendants only.
- January 8, 2016 Last return date for summary judgment motions filed by any new parties and third-party defendants only.

MEDICAL DEFENSE

- March 8, 2016 Defendants shall identify its medical experts and serve medical 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 8, 2016 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 8, 2016 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 8, 2016 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 8, 2016 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

- May 13, 2016 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

- December 17, 2015 The settlement conference previously scheduled on this date is **cancelled**.
- January 21, 2016 @ 1:30pm 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.
- June 20, 2016 Trial Date. *(The January 25, 2016 trial is adjourned to this date.)*

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



ANA C. VISCOMI, J.S.C.

cc: Clerk, Mass Tort