

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

<p>RUSSELL &amp; MARILYN STROUSE,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>ADVANCE STORES CO., et al</p> <p style="text-align: center;"><i>Defendant(s).</i></p>
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Docket No: **L-968-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on April 29, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Seeger Weiss	Nathaniel Falda	Plaintiff(s)
Baginski Mezzanotte	Jennifer Connelly	HM Royal
Breuninger & Fellman	Susan Fellman	Genuine Parts Co.
Caruso Smith	Nick Albano	Union Carbide
Gibbons	Ethan Stein	Honeywell
Hoagland Longo	Steven Satz	Borg Warner; Whittake Clark & Daniels; Thul Auto Parts
Lavin O'Neil	Catherine Brunermer	3M Co.
Lynch Daskal	Ian Millican	Georgia Pacific
Marshall Dennehey	Jessica Wachstein	Pep Boys; Kaiser Gypsum
Marshall Dennehey	Arthur Bromberg	NMBFIL, Inc.
McGivney Kluger	Thomas McNulty	DAP; Permatex
Methfessel & Werbel	Charles T. McCook, Jr.	Auto Zone
O'Toole Fernandez	Michael Garcia	Dana
Segal McCambridge	Grace E. Jang	Curtiss Wright
Smith Abbot	Roy Viola	Abex
Wilbraham Lawler	James Toth	Advanced Auto Parts

IT IS on this 3<sup>rd</sup> day of May, 2013 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**

- May 6, 2013 Defendants shall serve answers to standard interrogatories by this date.
- May 13, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- June 14, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- May 13, 2013 Defendants shall propound supplemental interrogatories and document requests by this date.
- June 14, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- June 28, 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.
- June 28, 2013 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- July 19, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- July 12, 2013 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- August 9, 2013 Last return date for product identification summary judgment motions.

## **OTHER MOTIONS**

- July 12, 2013 Filing date.
- August 9, 2013 Return date.

## **MEDICAL DEFENSE**

- May 13, 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.
- May 17, 2013 Plaintiff shall serve additional medical expert reports by this date.
- July 19, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

**LIABILITY EXPERT REPORTS**

July 31, 2013           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 30, 2013       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 31, 2013           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 30, 2013       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 20, 2013    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**

August 27, 2013 @ 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.

September 30, 2013       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