

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

Docket No: **L-4190-15 (AS)**

DOLORES TOTH (Estate of Joseph Toth), vs. AJ FRIEDMAN SUPPLY CO., INC., et al	<i>Plaintiff(s),</i>
	<i>Defendant(s).</i>

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 March 1, 2016:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Jennifer Ruhl	Plaintiff(s)
Eckert Seamans	Jill Cohen	AO Smith
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Cynthia Lee	Calon; Aaron & Co.
Hoagland Longo	Jullian Madison	Westfield Plumbing & Heating; Superior Welding & Boiler
Kelley Jasons	Angela Caliendo	FMC Corp.
Kent McBride	David Rutkowski	ECR International (Utica); Binsky & Snyder
LeClair Ryan	John Soltesz	Ford
Lynch Daskal	Dan Gagliardi	Georgia Pacific
Marks O'Neill	Paul Smyth	Bayonne Plumbing; Atlantic Plumbing
Maron Marvel	Carolyn Williams	Industrial Holdings Corp.
McElroy Deutsch	Joseph D. Rasnek	Chevron USA; Burnham
McGivney Kluger	Caitlin Christie	Madsen & Howell; Weil McLain; Raritan Supply
O'Toole Fernandez	Gary Van Lieu	WA Birdsall
Pascarella DiVita	Madelyn Iulo	Ingersoll Rand; Trane US; Rheem Mfg.
Reilly Janiczek	Matthew Franson	Cleaver Brooks Inc.
Sedgwick LLP	David Blow	Foster Wheeler; Borg Warner
Segal McCambridge	Michael F. Gurman	AW Chesterton
Tierney Law	Michael Murphy	Elizabeth Industrial
Willbraham Lawler	Tristin Fabro	PSE&G Power LLC; South Amboy Plumbing Supply Corp.

IT IS on this 2nd day of **March, 2016**, 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 plaintiff's 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

April 1, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.

March 18, 2016 Defendants shall serve answers to standard interrogatories by this date.

April 1, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.

May 2, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

April 1, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.

May 2, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

June 30, 2016 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.

July 29, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

August 19, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 2, 2016 Summary judgment motions shall be filed no later than this date.

September 30, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

April 15, 2016 Defendants shall forward medical authorizations to plaintiff's counsel by this date.

April 29, 2016 Plaintiff shall serve executed medical authorizations by this date.

August 5, 2016 Plaintiff shall serve medical expert reports by this date.

August 5, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

November 4, 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

- November 4, 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.
- December 9, 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

- November 4, 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.
- December 9, 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

- January 6, 2017 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

- January 10, 2017 @ 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.
- January 30, 2017 Trial Date.

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

/s/ Ana C. Viscomi
ANA C. VISCOMI, J.S.C.

cc: Counsel:
Connell Foley for Frank A. McBride; Lawton & Burns
cc: Clerk, Mass Tort