

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

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

Civil Action

CASE MANAGEMENT ORDER II

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

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on August 31, 2016:

FIRM	ATTORNEY	CLIENT
Keefe Bartels	Jennifer Ruhl	Plaintiff(s)
Eckert Seamans	Stephanie Coleman	AO Smith
Caruso Smith	Alexandra Caruso	CertainTeed; AMC
Connell Foley	Scott Press	Lawton & Burns, Inc.; Frank A. McBride Co.
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hack Piro	Reiah Etwaroo	Johansen
Hardin Kundla	Cynthia Lee	Calon; Aaron & Co.
Hoagland Longo	Jillian Madison	Westfield Plumbing & Heating; Superior Welding & Boiler
Kelley Jasons	Liza Stagliano	FMC Corp.
Kent McBride	Bradley Lawrence	ECR International (Utica)
Marks O'Neill	Paul Smyth	Bayonne Plumbing; Atlantic Plumbing
Maron Marvel	Carolyn Williams	Industrial Holdings Corp.
McElroy Deutsch	Michelle Hydrusko	Chevron USA; Burnham
McGivney Kluger	Joel Clark Caitlin Christie	Madsen & Howell; Weil McLain; Raritan Supply; Binsky & Snyder
O'Toole Fernandez	Gary Van Lieu	WA Birdsall
Pascarella DiVita	Brad Bishop	Ingersoll Rand; Trane US; Rheem Mfg.
Reilly Janiczek	Adrianna Exler	Cleaver Brooks Inc.
Sedgwick LLP	Maryam Meseha	Foster Wheeler; Borg Warner
Tierney Law	Brian Garbacz	Elizabeth Industrial
Willbraham Lawler	Tristin Fabro	PSE&G Power LLC; South Amboy Plumbing Supply Corp.

IT IS on this 31<sup>st</sup> day of August, 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.

## DISCOVERY

- October 3, 2016 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- October 14, 2016 Defendants shall serve answers to standard interrogatories by this date.
- October 28, 2016 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- November 30, 2016 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- October 28, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- November 30, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- December 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.
- December 30, 2016 Depositions of corporate representatives shall be completed by this date.

## EARLY SETTLEMENT

- January 13, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## SUMMARY JUDGMENT MOTION PRACTICE

- January 20, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- February 3, 2017 Summary judgment motions shall be filed no later than this date.
- March 3, 2017 Last return date for summary judgment motions.

## MEDICAL DEFENSE

- November 30, 2016 Plaintiff shall serve medical expert reports by this date.
- November 30, 2016 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- May 31, 2017 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

- April 7, 2017 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.
- May 31, 2017 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**

- April 7, 2017                      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.
- May 31, 2017                      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**

- June 16, 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                      The settlement conference previously scheduled on this date is **cancelled**.
- June 6, 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.
- June 26, 2017                      Trial Date. *(The January 30, 2017 trial is adjourned to this 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:            Clerk, Mass Tort