

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

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

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 29, 2017:

FIRM	ATTORNEY	CLIENT
Keefe Law Firm	Jennifer Ruhl	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; AMC
Connell Foley	Scott Press	Lawton & Burns, Inc.; Frank A. McBride Co.
Eckert Seamans	Robert McGuire	AO Smith
Hack Piro	Robert Alencewicz	Johansen
Hardin Kundla	Nicea D'Annunzio	Calon; Aaron & Co.
Hoagland Longo	Jillian Madison	Westfield Plumbing & Heating; Superior Welding & Boiler
Jones Law Office	Richard V. Jones	Metropolitan Life
Kelley Jasons	Angela Caliendo	FMC Corp.
Lynch Daskal	David Freed	Georgia Pacific
Margolis Edelstein	Jeanine D. Clark	Industrial Rubber; Woolsulate
Marks O'Neill	Nicole M. Triner	Bayonne Plumbing; Atlantic Plumbing
Maron Marvel	Lina Carreras	Industrial Holdings Corp.
McElroy Deutsch	Gabriel Ferstendig	Chevron USA; Burnham
McGivney Kluger	Thomas McNulty Kevin Hoffman	Madsen & Howell; Weil McLain; Raritan Supply; Binsky & Snyder
O'Toole Scrivo	Michael Garcia	WA Birdsall
Pascarella DiVita	Inge R. Cully	Ingersoll Rand; Trane US; Rheem Mfg.
Reilly Janiczek	Ryan Notorangelo	Cleaver Brooks Inc.
Tanenbaum Keale	David Blow	Foster Wheeler; Borg Warner
Tierney Law	Brian Garbacz	Elizabeth Industrial; AJ Friedman Supply
Willbraham Lawler	Tristin Fabro	PSE&G Power LLC; South Amboy Plumbing Supply

IT IS on this 30<sup>th</sup> day of March, 2017, 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**

- April 14, 2017 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- May 15, 2017 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 16, 2017 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- July 7, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- July 7, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 21, 2017 Summary judgment motions shall be filed no later than this date.
- August 18, 2017 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- June 9, 2017 Plaintiff shall serve medical expert reports by this date.
- June 9, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- November 3, 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**

- September 15, 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.
- November 3, 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**

- September 15, 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.
- November 3, 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**

November 30, 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**

June 6, 2017 The settlement conference previously scheduled on this date is **cancelled**.

October 26, 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.

December 18, 2017 Trial Date. (*The June 26, 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: Goldfein & Joseph for Atlas Turner, ACL, Bell  
Clerk, Mass Tort