

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

Docket No: L-5763-12 (AS)

Civil Action

CASE MANAGEMENT ORDER II

MARCUS & ROSALYN STRAUSS, <i>Plaintiff(s),</i> vs. APS PLUMBING & HEATING SUPPLY, et al <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 12, 2014:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Lynne M. Kizis Jon G. Kupilik	Plaintiff(s)
Baginski Mezzanotte	Patricia Lyons	Palmer Plumbing
Colquhoun & Colquhoun	Sean Colquhoun	All State
Hoagland Longo	Marc S. Gaffrey Daniel Kuszmerski	Community Plumbing Supply; Lawrence Kantor; Westside Plumbing Supply
Margolis Edelstein	J. Edmund Bryak	Columbia Boiler; APS Plumbing; Goldberg; Engineering & Refrigeration
McGivney Kluger	Nicholas DeMattheis	Manders Plumbing; East Brunswick Supply; Elizabeth Plumbing; Manhattan Welding
Sachs Maitlin Fleming	Christopher Klabonski	Taub Plumbing Supply Co., Inc.
Tierney Law Office	Michael O'Neil	Major Inc.

IT IS on this 15th day of **September, 2014** 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

September 30, 2014 Defendants shall serve answers to standard interrogatories by this date.

September 30, 2014 Defendant APS Plumbing shall serve answers to supplemental interrogatories and document requests by this date.

December 31, 2014 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 31, 2014 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

September 30, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

October 31, 2014 @ 10:00am Early 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.

SUMMARY JUDGMENT MOTION PRACTICE

January 23, 2015 Summary judgment motions shall be filed no later than this date.

February 20, 2015 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 31, 2014 Plaintiff shall serve medical expert reports by this date.

December 31, 2014 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date to Hoagland Longo.

March 31, 2015 Defendants shall identify its medical experts and serve medical expert 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 31, 2015 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 30, 2015 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 31, 2015 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 30, 2015 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 15, 2015 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

March 27, 2015 @ 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 1, 2015 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: Clerk, Mass Tort
Brody Deposition Services
Priority One