

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

Docket No: **L-5763-13 (AS)**

MARCUS & ROSALYN STRAUSS,  <i>Plaintiff(s),</i>  vs.  APS PLUMBING & HEATING SUPPLY, et al  <i>Defendant(s).</i>
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Civil Action

CASE MANAGEMENT ORDER II  
 AMENDED

*This matter having come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 12, 2014:*

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

**IT IS** on this 17<sup>th</sup> day of **September, 2014**; Case Management Order II is hereby

**AMENDED** as follows: *(to remove the summary judgment deadlines)*

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.

### **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