

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

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

Civil Action

CASE MANAGEMENT ORDER VI

<p>MARCUS &amp; ROSALYN STRAUSS,  <i>Plaintiff(s),</i></p> <p>vs.</p> <p>APS PLUMBING &amp; HEATING SUPPLY, et al  <i>Defendant(s).</i></p>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 29, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca, Jr.	IMO
Carroll McNulty Kull	Stefanie Rokosz	Spirax Sarco
Dickie McCamy	William Smith	All State Plumbing
Hack Piro	Reiah Etwaroo	Johansen Co.; HB Smith
Hoagland Longo	Jason R. Gosnell	Community Plumbing; Lawrence Kantor; Westside Plumbing; Essex Plumbing; AGL Welding; Industrial Welding
Margolis Edelstein	Justin M. Bettis	Central Plumbing Supply; APS Plumbing & Heating Supply; Engineering & Refrigeration; Woolsulate; Goldberg; Ideal; Verona; Lehigh
Marks O'Neill	Sebastian Goldstein	Bayonne Plumbing; Atlantic Plumbing; Van Houtan Plumbing; Van Houten –Avenel; Roselle Plumbing
Marshall Dennehey	Paul Johnson	Hanover Supply
McGivney Kluger	Thomas McNulty	Manhattan Welding; East Brunswick Supply; Fairbanks
McGivney Kluger	Caitlin Christie	Sloan Valve; Raritan Supply; Sid Harvey
McGivney Kluger	Joel Clark	Pashman; Elizabeth Plumbing; Weil-McLain
O'Toole Fernandez	John V. Kelly, III	IMI
Pascarella DiVita	Stephanie DiVita	Trane US Inc.; Ingersoll-Rand
Rawle & Henderson	Susan Riechelson	Hajoca Corp.
Reilly Janiczek	Colleen Cavanaugh	SOS Products, Co., Inc.
Ricci Tyrrell Johnson	Nancy Green	Toms River Plumbing
Segal McCambridge	Audrey O. Anyale	BW/IP
Tierney Law Office	Mark Turner	Elizabeth Industrial; AJ Friedman Supply
Wilbraham Lawler	Anisha Abraham	South Amboy Plumbing

IT IS on this 4<sup>th</sup> day of **November, 2015** 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**

November 5, 2015 Counsel for defendants Community Plumbing Supply, Engineering & Refrigeration, General Plumbing Supply, and Manhattan Welding, shall provide a date for corporate representative depositions by this date.

November 20, 2015 Deadline to complete any corporate representative depositions.

### **SUMMARY JUDGMENT MOTION PRACTICE**

December 11, 2015 Summary judgment motions shall be filed no later than this date by any new parties and third-party defendants only.

January 8, 2016 Last return date for summary judgment motions filed by any new parties and third-party defendants only.

### **MEDICAL DEFENSE**

March 8, 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**

March 8, 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.

April 8, 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**

March 8, 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.

April 8, 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**

May 13, 2016 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 21, 2016 @ 1:30pm 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 3, 2016 @ 9:30am 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 20, 2016 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