

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

RUSSELL & MARILYN STROUSE,  <i>Plaintiff(s),</i>  vs.  ADVANCE STORES CO., et al  <i>Defendant(s).</i>
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Docket No: **L-968-13 (AS)**

Civil Action

CASE MANAGEMENT ORDER II

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on August 6, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Seeger Weiss	Nathaniel Falda	Plaintiff(s)
Baginski Mezzanotte	Kurt J. Trinter	HM Royal
Breuninger & Fellman	Kathleen Ramalho	Genuine Parts Co.
Caruso Smith	Ronald S. Suss	Union Carbide
Gibbons	Robert Brown	Honeywell
Hawkins Parnell	Roy Viola	Abex
Hoagland Longo	Daniel Kuzmerski	Borg Warner; Whittake Clark & Daniels; Thul Auto Parts
Lynch Daskal	Cynthia Cho	Georgia Pacific
Marshall Dennehey	Christopher Block	NMBFIL, Inc.
McGivney Kluger	Joel Clark	DAP; Permatex
O'Toole Fernandez	Leslie Lombardy	Dana
Segal McCambridge	David Kostus	Curtiss Wright
Wilbraham Lawler	Mary Chicorelli	Advanced Auto Parts; Western Auto Supply
Wilson Elser	Bruce McCoy	Fel-Pro; Vellumoid

IT IS on this 6<sup>th</sup> day of August, 2013 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**

August 30, 2013

Counsel for defendant Union Carbide shall make reasonable efforts to arrange a date for an inspection of documents at the Union Carbide repository by this date.

August 30, 2013 Defendants Union Carbide & HM Royal shall respond to discovery requests by this date.

September 30, 2013 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.

September 30, 2013 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

August 27, 2013 The settlement conference previously scheduled on this date is **CANCELLED**.

October 4, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

August 30, 2013 Defendants HM Royal, Fel-Pro, and Vellumoid shall file summary judgment motions by this date for a return date of September 27, 2013.

### **MEDICAL DEFENSE**

September 30, 2013 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

October 15, 2013 Plaintiff shall serve supplemental liability expert report, if any, by this date.

November 1, 2013 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.

### **EXPERT DEPOSITIONS**

November 29, 2013 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**

November 7, 2013 @ 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 9, 2013

Trial Date. (*The September 30, 2013 trial is adjourned to this date.*)

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One