

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

**Docket No: L-6775-12 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

LINDA BORSUK (Estate of Richard Borsuk),  <i>Plaintiff(s),</i>  vs.  AJ FRIEDMAN SUPPLY CO., INC., et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 6, 2013 and the following firms appearing:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Forman Perry	Timothy Coughlan	Trane US, Inc.
Hoagland Longo	Nora Grimbergen	Airgas; Jersey Welding; York International
Kent McBride	David Rutkowski	MSA
Langsam Stevens	Charles Adams	Zy-Tech
Margolis Edelstein	Ashley Mollenthiel	Woolsulate Corp.
Marks O'Neill	Paul Smyth	American Wrecking
Marshall Dennehey	Paul Johnson	Air Products
McCarter & English	Jean Patterson	Fisher Scientific
McElroy Deutsch	Helen Antoniou McGowan	AO Smith
McGivney Kluger	Joel Clark	Fairbanks; DAP; Hayes Pump; Akron Gasket; Fire Brick Engineers Co.
Porzio Bromberg	Christopher DePhillips	Pfizer
Reilly Janiczek	Shannon C. Kelly	Cleaver Brooks; ITT Corp.
Speziali Greenwald	Joanne Hawkins	General Electric
Swartz Campbell	William Morlok	Allied Glove
Tierney Law Office	Mark Turner	Major Inc.; Elizabeth Industrial; AJ Friedman

IT IS on this 11<sup>th</sup> day of June, 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.

Defense counsel shall notify plaintiffs' counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

### **DISCOVERY**

- September 3, 2013 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.
- September 3, 2013 Plaintiff shall serve answers to wrongful death interrogatories and serve wrongful death reports by this date.
- September 13, 2013 Defendants shall serve answers to standard interrogatories by this date.
- September 27, 2013 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 25, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 27, 2013 Defendants shall propound supplemental interrogatories and document requests by this date.
- October 25, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 29, 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.
- December 20, 2013 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 21, 2014 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- January 17, 2014 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- February 14, 2014 Last return date for product identification summary judgment motions.

### **MEDICAL DEFENSE**

- September 3, 2013 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.

September 3, 2013 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

September 13, 2013 Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

September 3, 2013 Plaintiff shall serve additional medical expert reports by this date.

September 3, 2013 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 14, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

March 14, 2014 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 14, 2014 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 14, 2014 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 14, 2014 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**

April 30, 2014 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**

April 10, 2014 @ 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.

May 12, 2014

Trial 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