

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

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

**Civil Action**

**CASE MANAGEMENT ORDER II**

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 before Special Master Agatha N. Dzikiewicz and the following parties on April 22, 2014:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Bucca & Campisano	Benjamin Bucca, Jr.	IMO
Hoagland Longo	Daniel Kuszmanski	Airgas; Jersey Welding; York International
Kent McBride	David Rutkowski	MSA
Langsam Stevens	Robert Stickley	Zy-Tech
Margolis Edelstein	Adam Najib	Woolsulate Corp.
Marks O'Neill	Matthew A. Wachstein	American Wrecking
McCarter & English	Jean Patterson	Fisher Scientific
McElroy Deutsch	Helen Antoniou McGowan	AO Smith
McGivney Kluger	Thomas McNulty	Fairbanks; DAP; Hayes Pump; Akron Gasket; Fire Brick Engineers Co.
Pascarella DiVita	Michael A. Posavetz	Trane US Inc.
Porzio Bromberg	Diane Averell	Pfizer
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; ITT Corp.
Speziali Greenwald	Michael Quinn	General Electric
Swartz Campbell	Amanda Thai	Allied Glove

IT IS on this 23<sup>rd</sup> day of April, 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**

- June 30, 2014 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.
- June 30, 2014 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- July 11, 2014 Defendants shall serve answers to standard interrogatories by this date.
- July 25, 2014 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- August 25, 2014 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- July 25, 2014 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 25, 2014 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 28, 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**

- January 16, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- January 23, 2015 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- February 20, 2015 Last return date for product identification summary judgment motions.

## **MEDICAL DEFENSE**

- June 30, 2014 Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
- June 30, 2014 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

July 31, 2014 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.

December 31, 2014 Plaintiff shall serve additional 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.

March 31, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, 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**

April 30, 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.

May 26, 2015 (Tuesday)

Trial Date. (The May 12, 2014 trial is adjourned to this 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

VACATED