

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

LINDA BORSUK (Estate of Richard Borsuk),  vs.  AJ FRIEDMAN SUPPLY CO., INC., et al	<i>Plaintiff(s),</i>    <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 January 30, 2018:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Abby Resnick-Parigian	Plaintiff(s)
Hoagland Longo	Jillian Madison	York International
Kent McBride	Matt Forys	Mine Safety Appliance
Langsam Stevens	David McHale	Zy-Tech Global
Marks O'Neill	Sebastian Goldstein	American Wrecking Corp.
McCarter & English	Elizabeth Monahan	Fisher Scientific
McElroy Deutsch	Joseph D. Rasnek	Pfizer Inc.
McGivney Kluger	Joel Clark	DAP; SM Electric; Hayes Pump
McGivney Kluger	Caitlin Bodtmann	Fairbanks; Akron Gasket; Fire Brick Engineers
Pascarella DiVita	Madelyn Iulo	Ingersoll Rand; Trane US, Inc.
Porzio Bromberg	Michelle Burke	EI DuPont de Nemours
Reilly Janiczek	Brandy Harris	AJ Friedman; Cleaver Brooks
Swartz Campbell	William Morlok	Allied Glove
Tierney Law Office	Michael Murphy	Elizabeth Industrial Hardware; Major Inc.

IT IS on this 1<sup>st</sup> day of **February, 2018**, *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**

- May 31, 2018                      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.
- June 15, 2018                      Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

- February 28, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.
- April 3, 2018 @ 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.

## **SUMMARY JUDGMENT MOTION PRACTICE**

- July 6, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- July 20, 2018 Summary judgment motions shall be filed no later than this date.
- August 17, 2018 Last return date for summary judgment motions.

## **MEDICAL DEFENSE**

- June 29, 2018 Plaintiff shall serve medical expert report by this date.
- June 29, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- October 5, 2018 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**

- August 17, 2018 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.
- October 5, 2018 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**

- August 17, 2018 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.
- October 5, 2018 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**

- October 31, 2018 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 8, 2018 @ 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 3, 2018 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