

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

**Docket No: L-4648-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

<p>JAMES &amp; ELAINE HUDSON,</p> <p style="text-align: center;"><i>Plaintiff(s),</i></p> <p style="text-align: center;">vs.</p> <p>A&amp;M WHOLESALE HARDWARE CO., et al</p> <p style="text-align: center;"><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 August 28, 2014:

<b>FIRM</b>	<b>ATTORNEY</b>	<b>CLIENT</b>
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Baginski Mezzanotte	Patricia Lyons	Sherman & Chaplin
Barrett Lazar	Dale Hibbard	A&M Wholesale Hardware
Barry McTiernan	Patrick Little	RW Beckett
Bucca & Campisano	Benjamin Bucca, Jr.	IMO
Byrne Law Office	John J. Byrne III	Kessler
Carroll McNulty Kull	Michael A. Moroney	Spiraz Sarco
Caruso Smith Picini	Lisa Massimi	Union Carbide
Connell Foley	Richard Jagen	August Arace
Day Pitney LLP	Sylvia-Rebecca Gatierrez	Phelps Dodge Ind.
Hardin Kundla	Nicea D'Annunzio	Calon
K&L Gates	Michael Waller Stacy Hyman	Bayer Argro
Kelley Jasons	Joseph Vassalotti	Ric Wil Inc.
Kent McBride	David Rutkowski	Binsky; TJ McGlone
Landman Corsi	Elissa Denniston Regev	Robert W. Johnson Medical Center
Langsam Stevens	Dave McHale	Zy-Tech Global
Margolis Edelstein	J. Edmund Bryak	Ideal Supply; Woolsulate; Central Jersey
McGivney Kluger	Joel Clark	Raritan Supply; Bergen Ind.; Weil-McLain; Gorman Rupp
Methfessel & Werbel	Charles T. McCook, Jr.	St. Peters Hospital
Millett & Associates	Richard Millet	NL Industries
Norris McLaughlin	Martha Donovan	Rutgers
O'Brien Firm	Ingrid H. Graff	Grant Supply
Pepper Hamilton	John Brenner	Bristol Myers Squibb
Rawle & Henderson	John McMeekin	Hajoca

Swain & Westreich	Kenneth Westreich	Dolan & Traynor
Tierney Law Office	Edward Henry	AJ Friedman; Elizabeth Industrial Supply; Major Inc.
Vasios Kelly	Thomas J. Kelly, Jr.	Johnson & Johnson

IT IS on this 3<sup>rd</sup> day of September, 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**

- September 19, 2014 Defendants shall serve answers to standard interrogatories by this date.
- September 19, 2014 Plaintiff and third-party plaintiff shall propound supplemental interrogatories and document requests by this date.
- October 24, 2014 Defendants and third-party defendants shall serve answers to supplemental interrogatories and document requests by this date.
- September 30, 2014 Defendants and third-party defendants shall propound supplemental interrogatories and document requests by this date.
- October 31, 2014 Plaintiff, third-party plaintiff and co-defendants shall serve answers to supplemental interrogatories and document requests by this date.
- December 31, 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.
- January 30, 2015 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- February 13, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

- March 6, 2015 Summary judgment motions limited to product identification issues shall be filed no later than this date.
- April 3, 2015 Last return date for product identification summary judgment motions.

### **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.
- May 1, 2015 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

- May 29, 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.
- June 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**

- May 29, 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.
- June 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**

- July 17, 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**

- May 7, 2015 @ 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 24, 2015 @ 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.

July 27, 2015

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  
Brody Deposition Services  
Priority One