

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

**Docket No: L-6302-14 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

|   |
|---|
| WILLIAM KOVASH,<br><br><i>Plaintiff(s),</i>                     |
| vs.   |
| AJ FRIEDMAN SUPPLY CO., INC., et al<br><br><i>Defendant(s).</i> |

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on October 15, 2015:

| <b>FIRM</b>               | <b>ATTORNEY</b>     | <b>CLIENT</b>  |
|---------------------------|---------------------|--|
| Wilentz Goldman & Spitzer | Jon G. Kupilik      | Plaintiff(s)   |
| Bucca & Campisano         | Benjamin Bucca, Jr. | IMO  |
| Caruso Smith              | Stacey L. Trien     | CertainTeed  |
| Garrity Graham            | Anthony Marino      | Damon G. Douglas; Peter J. Saker                           |
| Kent McBride              | David Rutkowski     | Binsky; TJ McGlone   |
| Margolis Edelstein        | Justin M. Bettis    | Woolsulate; BJ McGlone                                     |
| Marks O'Neill             | Sebastian Goldstein | Hatzel & Buehler Inc.                                      |
| Marshall Dennehey         | Paul Johnson        | Kaiser Gypsum  |
| McGivney Kluger           | Robert Brown        | WW Henry; DAP  |
| McGivney Kluger           | Nicholas DeMattheis | Bergen Industrial Supply; East Brunswick Supply; Fairbanks |
| Pascarella DeVita         | Michael A. Posavetz | Apollo Distribution Co.                                    |
| Rawle & Henderson         | Linda Dobbins       | American Biltrite Inc.                                     |
| Tierney Law Office        | Mark Turner         | AJ Friedman Supply; Elizabeth Industrial; Major Inc.       |

IT IS on this 16<sup>th</sup> day of October, 2015, *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 plaintiff's 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**

October 30, 2015      Defendants shall serve answers to standard interrogatories by this date.

November 13, 2015      Plaintiff shall propound supplemental interrogatories and document requests by this date.

December 11, 2015 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

November 13, 2015 Defendants shall propound supplemental interrogatories and document requests by this date.

December 11, 2015 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

December 31, 2015 Plaintiff depositions shall be concluded by this date. Plaintiff's counsel shall contact the Special Master within one week of this deadline if plaintiff depositions are not completed by this date.

January 29, 2016 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.

February 29, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

April 22, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

May 18, 2016 @ 9:30am **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**

March 4, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

March 18, 2016 Summary judgment motions shall be filed no later than this date.

April 15, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

October 30, 2015 Plaintiff shall serve executed medical authorizations by this date.

August 19, 2016 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**

July 18, 2016 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.

August 19, 2016 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**

- July 18, 2016 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.
- August 19, 2016 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**

- September 2, 2016 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**

- September 8, 2016 @ 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.
- September 26, 2016 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: counsel:

Goldfein & Joseph for Domko

cc: Clerk, Mass Tort