

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

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

**Civil Action**

**CASE MANAGEMENT ORDER II**

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

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 25, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Bucca & Campisano	Christine Bucca	IMO
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Carroll McNulty Kull	Michael Moroney	Spirax Sarco
Garrity Graham	Stephen Balsamo	Damon G. Douglas; Peter J. Saker
Goldfein & Joseph	Willard Preston	Domco Products Texas
Kent McBride	Ravi Shah	Binsky; TJ McGlone
Margolis Edelstein	Justin Bettis	Woolsulate; BJ McGlone
Marks O'Neill	Sebastian Goldstein	Hatzel & Buehler Inc.
Marshall Dennehey	Paul Johnson	Kaiser Gypsum
McGivney Kluger	Joel Clark	WW Henry; DAP
Pascarella DeVita	Bradley Bishop	Apollo Distribution Co.; Ingersoll Rand
Rawle & Henderson	Jamie Augustinsky	American Biltrite Inc.
Segal McCambridge	Michael F. Gorman	Mannington Mills
Tierney Law Office	Michael O'Neill	AJ Friedman Supply; Elizabeth Industrial; Major Inc.
Winne Banta	Kenneth Lehn	Michael Halebian Co.

IT IS on this 26<sup>th</sup> day of April, 2016, *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 6, 2016            B.J. McGlone, Inc. and W.W. Henry Co. shall serve answers to standard interrogatories by this date.
- May 20, 2016        Hatzel & Buchler, Inc., shall serve answers to standard interrogatories by this date.

May 20, 2016 American Bilrite shall provide responses to the request for more specific answers to interrogatories (requested under cover letter dated November 15, 2015 and December 23, 2015) by this date.

May 20, 2016 Apollo Distributing Co. shall provide responses to the request for more specific answers to interrogatories (requested under cover letter dated November 5, 2015) by this date.

May 20, 2016 Tarkett, Inc. shall provide responses to the request for more specific answers to interrogatories (requested under cover letter dated February 17, 2016) by this date.

May 20, 2016 Azrock Industries shall provide copies of corporate representative deposition transcripts referenced in responses to Interrogatory B.34 (requested under cover letter dated November 12, 2015 and December 23, 2015) by this date.

May 20, 2016 Mannington Mills, Inc. shall provide copies of corporate representative deposition transcripts referenced in responses to Interrogatory B.34 (requested under cover letter dated December 30, 2015) by this date.

July 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.

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

#### **EARLY SETTLEMENT**

September 30, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

#### **SUMMARY JUDGMENT MOTION PRACTICE**

August 5, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 19, 2016 Summary judgment motions shall be filed no later than this date.

September 16, 2016 Last return date for summary judgment motions.

#### **MEDICAL DEFENSE**

December 16, 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**

October 31, 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.

December 16, 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**

- October 31, 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.
- December 16, 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**

- January 13, 2017 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 18, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- September 8, 2016 The settlement conference previously scheduled on this date is **cancelled**.
- November 10, 2016 @ 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.
- 10 business days prior to trial Pretrial Information Exchange Form due.
- January 30, 2017 **Trial-Ready** Date. *(The September 26, 2016 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