

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

**Docket No:** L-3536-14 (AS)

**Civil Action**

**CASE MANAGEMENT ORDER I**

MICHELLE LOMET (Estate of Dennis Lomet),  vs.  AJ FRIEDMAN SUPPLY CO., 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 April 10, 2018:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Barry McTiernan Wedinger	Cara Manz	Fulton Boiler Works
Clyde & Co.	Kevin Turbert	Burnham LLC
Day Pitney	Amberly Beye	Easco Boiler Corp.
Delany McBride	Ariana Seidel	Peerless
Hoagland Longo	Jillian Madison	Evcon Industries
Landman Corsi	Joseph Tomaino	ECT International
Leader & Berkon	Andrea Titone	IMO Industries
Marshall Conway	Stacey Snyder	Slant Fin Corp.
McGivney Kluger	Thomas McNulty	Weil McLain
Pascarella DiVita	Bradley E. Bishop	Trane US Inc.; Ingersoll Rand; Crane Co.; Rheem
Reilly McDevitt	Joshua Sonstein	AJ Friedman Supply Co.
Tierney Law Office	Mark Turner	Major Inc.; Elizabeth Industrial Hardware
White and Williams	Michael Toczyski	Laars Heating Systems Corp.
Wilbraham Lawler	Steven Stoehr	Lennox

IT IS on this 13<sup>th</sup> day of April, 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.

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**

April 23, 2018                      Defendants shall serve answers to standard interrogatories by this date.

April 27, 2018                      Defendants shall propound supplemental interrogatories and document requests by this date.

- June 1, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- July 16, 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.
- September 28, 2018 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

- September 7, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.
- October 11, 2018 @ 11:00am 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 20, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- August 3, 2018 Summary judgment motions shall be filed no later than this date.
- August 31, 2018 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

- December 3, 2018 Plaintiff shall serve medical expert reports by this date.
- February 1, 2019 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**

- December 3, 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.
- February 1, 2019 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**

- December 3, 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.
- February 1, 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**

February 28, 2019      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**

February 7, 2019 @ 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.

March 25, 2019      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