

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

**Docket No: L-8048-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

ESTATE of DAVID LYTLE,  <i>Plaintiff(s),</i>  vs.  A&M WHOLESALE HARDWARE CO., et al <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 February 14, 2019:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Barrett Lazar	Deborah Megarr	A&M Wholesale Hardware
Connell Foley	Scott Press	Superior Welding Supply
DeCotiis Fitzpatrick	Michael Moroney	Spirax Sarco
Gibbons PC	Robert Brown, Jr.	Hoffman-LaRoche, Inc.
Hardin Kundla	Nicea D'Annunzio	Strahman Valves; Smith Oxygen
Hoagland Longo	Ibrahim Kosoko	AGL Welding Supply; Airgas; Collins Packing; Industrial Welding
Hoagland Longo	Shazia deWit	Superior Welding & Boiler; Kohler; McJunkin Red Man Group; Max Brown; Westside Plumbing Supply
Hodges Walsh & Burke	Sanford G. Jacobs	Petro Oil
Kelley Jasons	Lisa Stagliano	Carver Pump; FMC Corp. on behalf of Chicago Pump; Sterling Fluid Systems USA
Langsam Stevens	David J. McHale	Zy-Tech Global
Leader & Berkon	Christine Bucca	IMO Industries
Lenahan Rockwell	Thomas Lenahan	Nooter Construction
Margolis Edelstein	Nicholas Sulpizio	Central Jersey Supply; Woosulate; American Builders & Contractors Supply Co.; Industrial Rubber
McCarter & English	Amanda Munsie	Hayward Industrial Products
McElroy Deutsch	Joseph D. Rasnek	Flowserve US Inc.
McGivney Kluger	Kevin Hoffman	Binsky; Koenig Industrial Supply; Mooney Bros.
McGivney Kluger	Caitlin Bodtmann	AF Supply; Raritan Supply; Major; Allied Rubber & Gasket; Middlesex Welding; Patterson Pump; Flowserve Corp.; Manhattan Welding
McGivney Kluger	Jennifer Hally	Guardian/Protech; Continental Hardware
Nowell PA	Linda Dunne	Mazor-Balich
O'Brien Firm	Jodie J. Farrow	Grant Supply
O'Toole Scrivo	Dennise E. Mejia	JW Goodliffe
Pascarella DiVita	Joshua Greeley	Ingersoll Rand
Reilly McDevitt	Joshua Sonstein	AJ Friedman
Speziali Greenwald	Michael Quinn	General Electric
Tierney Law Office	Mark Turner	Elizabeth Industrial Supply
Wilbraham Lawler	Josette Spivak	Buffalo Pumps

IT IS on this 15<sup>th</sup> day of February, 2019, *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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

### **DISCOVERY**

- |                |   |
|----------------|---|
| March 1, 2019  | Plaintiff shall serve answers to standard interrogatories by this date.   |
| March 1, 2019  | Plaintiff shall serve answers to wrongful death interrogatories by this date.   |
| April 12, 2019 | Defendants shall serve answers to standard interrogatories by this date.  |
| April 12, 2019 | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| May 10, 2019   | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| July 15, 2019  | 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 15, 2019  | Depositions of corporate representatives shall be completed by this date.   |

### **EARLY SETTLEMENT**

- |                        |  |
|------------------------|--|
| March 1, 2019          | Settlement demands shall be served on all counsel and the Special Master by this date. |
| April 2, 2019 @ 9:30am | Early settlement conference.   |

### **MEDICAL EXPERT REPORT**

- |               |   |
|---------------|---|
| March 1, 2019 | Plaintiff shall serve executed medical authorizations by this date.   |
| March 1, 2019 | Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date. |
| May 17, 2019  | Plaintiff shall serve medical expert reports by this date.  |

November 8, 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**

August 16, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

November 8, 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.

**SUMMARY JUDGMENT MOTION PRACTICE**

August 16, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 30, 2019 Summary judgment motions shall be filed no later than this date.

September 27, 2019 Last return date for summary judgment motions.

**ECONOMIST EXPERT REPORTS**

August 16, 2019 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.

November 8, 2019 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**

December 2, 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**

To be scheduled Settlement conference.

December 30, 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