

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

Docket No: L-385-13 (AS)

Civil Action

CASE MANAGEMENT ORDER I

| |
|---|
| ESTATE of NUNZIO MAZZONE, <i>Plaintiff(s),</i> |
| vs. |
| AJ FRIEDMAN SUPPLY CO., 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 June 9, 2016:

| FIRM | ATTORNEY | CLIENT |
|---------------------------|---------------------|---|
| Wilentz Goldman & Spitzer | Jon Kupilik | Plaintiff(s) |
| Bucca & Campisano | Benjamin Bucca, Jr. | IMO Industries |
| Eckert Seamans | Christopher Bladel | AO Smith Water Products Co. |
| Hoagland Longo | Jillian Madison | Modern Plumbing |
| Kent McBride | Bradley Lawrence | Utica Boilers |
| Langsam Stevens | Dave McHale | Zy-Tech Global |
| Margolis Edelstein | Dawn Dezii | Woolsulate; Central Jersey |
| Marks O'Neill | Paul Smyth | Van Houten Plumbing; Bayonne Plumbing |
| Marshall Conway & Bradley | Norman Golub | Slant/Fin Corp. |
| McElroy Deutsch | Joseph D. Rasnek | Burnham |
| McGivney Kluger | Nicholas DeMatteis | Bergen Industrial; J. Hartel; Sloan Valve; Fairbanks; Weil-McLain; Taco; Armstrong Pumps; DAP; Elmwood Supply; Nutley Heating; Amtrol; Marley Cooling Tower; White & Shauger; Allied Rubber |
| O'Toole Fernandez | Gary Van Lieu | Peerless |
| Pascarella DiVita | Michael A. Posavetz | Ingersoll Rand; Trane US Inc.; Rheem Mfg. |
| Reilly Janiczek | Adrianna Exler | Hudson Heating |
| Segal McCambridge | Dinesh Dadlani | Palko Engineering Supply |
| Tierney Law | Mark Turner | AJ Friedman Supply; Elizabeth Industrial Supply; Major Inc. |

IT IS on this 10th day of June, 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.

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

- June 24, 2016 Defendants shall serve answers to standard interrogatories by this date.
- July 15, 2016 Defendants shall propound supplemental interrogatories and document requests by this date.
- August 31, 2016 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- September 30, 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.
- September 30, 2016 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- June 24, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.
- August 5, 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

- October 21, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 4, 2016 Summary judgment motions shall be filed no later than this date.
- December 2, 2016 Last return date for summary judgment motions.

MEDICAL DEFENSE

- March 3, 2017 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

- January 20, 2017 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.
- March 3, 2017 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.

EXPERT DEPOSITIONS

- March 31, 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

March 22, 2017 @ 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.

April 17, 2017 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