

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

<u>PLUMBERS/PIPEFITTERS XX (20)</u>	
DeVITO	L-7964-12
JAEGER	L-1557-12
MANNING	L-1551-12

**Civil Action**

**CASE MANAGEMENT ORDER I**

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 6, 2013 and the following firms appearing:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon Kupilik	Plaintiff(s)
Baginski Mezzanotte	Kurt Trinter	Speakman
Busch & Busch	Greg Busch	Cincinnati Gasket
Caruso Smith	Lisa Massimi	Brent Material Co.
Connell Foley	Timothy Corrison	Plibrico; Superior Welding Supply
Day Pitney	Adriana Castellanos	International Paper
Delany O'Brien	Ingrid Graff	Grant Supply
Forman Perry	Timothy Coughlan	Master Plumbing Supply; Flomatic Corp.; Rheem Mfg.; Trane US, Inc.
Gbbons	Alan Gries	Canuso
Golden Rothschild	Brad Arlen	WA Birdsall
Hack Piro	Robert Alencewicz	Luce Schwab & Kase; Johansen; HB Smith
Hoagland Longo	Nora Grimbergen	Wallwork; Westfield Plumbing; Kohler; AGL Welding; Airgas/Jersey Welding Supply; Essex Plumbing; Jonston Boiler; McJunkin; Industrial Welding Supply; Burnham; Line A; York Int'l.; Superior Welding & Boiler
Hollstein Keating	Nancy Green	CBI
Kelly Jasons	Joseph Vassalotti	Ric Wil Inc.
Kent McBride	David Rutkowski	Altherm; SOS; Utica
Langsam Stevens	Charles Adams	Zy-Tech
Lenahan & Rockwell	Kristin A. Deleppo	Nooter Corp.
Margolis Edelstein	Ashley Mollenthiel	American Plumbing Supply; Lehigh; Woolsulate; United Engineers; Industrial Rubber; Ideal Supply; Central Jersey Supply
Marin Goodman	Jeffrey Glassman	Fluor
Marks O'Neill	Sebastian Goldstein	Donald C. Rodner; Atlantic Plumbing; Weinstein Supply

Maron Marvel	Meryl Topchik	Milwaukee Valve
Marshall Conway	Adam Golub	Slant/Fin
Marshall Dennehey	Paul Johnson	Kaiser Gypsum; Air Products
McCarter & English	Jean Patterson	Parker Hannifan
McElroy Deutsch	Helen Antoniou McGowan	AO Smith; State Industries
McGivney Kluger	Alexander Schaffel	Central Boiler Repair; Herman Sommer; Flemington Supply; Manhattan Welding; Bonney Forge Corp.; Taco; DAP; Factory & Mill; Henkel Corp.; John Wood; Economy Hardware & Plumbing; NJ Boiler; Allied Rubber & Gasket; Bradco Supply; Madsen & Howell; Bergen Industrial; Raritan Supply; Fairbanks; Weil McLain; Armstrong Pumps; Fire Brick Engineers; SM Electric; Marley Cooling; L&H Plumbing & Heating
O'Toole Fernandez	Leslie Lombardy	IMI Cash Valve
Rawle & Henderson	Susan Riechelson	Hajoca
Reilly Janiczek	Shannon C. Kelly	Miller & Chitty; Cleaver Brooks; ITT Corp.
Segal McCambridge	Dinesh Dadlani	Scan-Pac
Speziali Greenwald	Joanne Hawkins	General Electric
Swain Westreich	Kenneth Westrieck	Dolan & Traynor
Swartz Campbell	William Morlok	Allied Glove; Walrich
Terkowitz & Hermesmann	Judith E. Collins	Bergenfield Lighting
Tierney Law Office	Mark Turner	Major Inc.; AJ Friedman; Elizabeth Industrial
Vasios Kelly Strollo	Linda Fulop-Slaughter	Argo International
Weber Gallagher	Michael Moroney	Spirax Sarco
Wilbraham Lawler	Andrea Greco	Dunphy Smith; Green Tweed; Dal-Tile; Karnak

IT IS on this 11<sup>th</sup> day of June, 2013 *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 plaintiffs' 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.

These matters are hereby consolidated for discovery, case management and trial.

### **DISCOVERY**

November 1, 2013 Plaintiff shall serve answers to standard interrogatories, provide the information required by paragraph VI.B.1.a. of the General Order, and shall advise defendants whether the plaintiff is available for deposition and, if not, the reasons therefore by this date.

November 1, 2013	Plaintiff shall serve answers to wrongful death interrogatories and serve wrongful death reports by this date.
November 8, 2013	Defendants shall serve answers to standard interrogatories by this date.
November 22, 2013	Plaintiff shall propound supplemental interrogatories and document requests by this date.
December 20, 2013	Defendants shall serve answers to supplemental interrogatories and document requests by this date.
November 22, 2013	Defendants shall propound supplemental interrogatories and document requests by this date.
December 20, 2013	Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
March 31, 2014	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.
April 30, 2014	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.
April 30, 2014	Depositions of corporate representatives shall be completed by this date.

**EARLY SETTLEMENT**

June 30, 2014	Settlement demands shall be served on all counsel and the Special Master by this date.
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**SUMMARY JUDGMENT MOTION PRACTICE**

May 23, 2014	Summary judgment motions limited to product identification issues shall be filed no later than this date.
June 20, 2014	Last return date for product identification summary judgment motions.

**MEDICAL DEFENSE**

November 1, 2013	Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
November 1, 2013	Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.
November 15, 2013	Any defendant wishing to present a medical defense shall advise all counsel of its intention by entering a Notice of Appearance of Defense Medical Counsel by this

date. Any defendant who does not file such an appearance by this date may be foreclosed from asserting a medical defense.

November 1, 2013 Plaintiff shall serve additional medical expert reports by this date.

May 30, 2014 The defense medical examination of plaintiff(s) shall be completed by this date.

July 25, 2014 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

July 25, 2014 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 22, 2014 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 25, 2014 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 22, 2014 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 12, 2014 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**

August 1, 2014 @ 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 10, 2014 @ 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 29, 2014

Trial Date.

**Plaintiff's counsel shall serve a copy of this Order upon any additional counsel immediately upon receipt.**

*/s/ Vincent Le Blon*  
VINCENT Le BLON, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One