

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

**Docket No: L-8062-10 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER II**

ANTONIO SPINA,

*Plaintiff(s),*

vs.

AJ FRIEDMAN SUPPLY CO., et al

*Defendant(s).*

This matter coming on for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on June 9, 2011 and the following firms appearing:

Wilentz Goldman & Spitzer	Angelo Cifaldi, Esq. / and Philip Tortoreti, Esq.	Plaintiff(s)
Braaten & Pascarella	Michael A. Posavetz, Esq.	Trane US, Inc.; Flowmatic Corp.
Caruso Smith	Carol Fine, Esq.	Union Carbide; CertainTeed
Connell Foley	Meghan Musso, Esq.	August Arace; Palermo Supply
Cozen O'Connor	Sara A. Frey, Esq.	Hatzel & Buehler
Epstein Cohen Gilberti	Michael Gilberti, Esq.	Crane co.
Gibbons	Richard Reinartz, Esq.	Hoffman-La Roche
Hardin Kundla	Cynthia Lee, Esq.	Aaron & Co.; Calon; John Zink;
Hoagland Longo	Mark Wasef, Esq.	Abe Gruber; AGL Welding; Airgas/Jersey Welding; Burnham; Davidsen & Howard; Thermatic; York; WW Grainger
Kent McBride	Lisa Perez, Esq.	TJ McGlone; Binsky & Snyder
Margolis Edelstein	Chris Kelleher, Esq.	Verona Supply; Ideal Supply; General Plumbing; Engineering & Refrigeration Inc.; Monsen Engineering Co.; Woosulate; CFC Distributing Co.; Charles Connelly
Marks O'Neill	Kris Nejat, Esq.	Van Houten Plumbing & Heating Supply Co.
Marshall Dennehey	Paul Johnson, Esq.	Air Products; Riley Stoker
Mayfield Turner	Christine McGuire, Esq.	Utica Boilers, Inc.; Carrier Corp.
McElroy Deutsch	Denise D. Harris, Esq.	AO Smith
McGivney Kluger	Joel Clark, Esq. / and Michael Lazarus, Esq. / and Caitlin Christie, Esq.	Sid Harvey; Madsen & Howell; Fairbanks; Weil McLain; Taco; Armstrong Pumps; Grundfos; Nutley Heating; Johnston Supply; Sporlan Valve; Manhattan Welding; Marley Cooling Tower; White & Shauger; L&H Plumbing

Nelson Levine	Jeannie Park, Eqs.	Zy-Tech
O'Toole Fernandez	Charles Savoth, Esq.	Dana; Sanders; National Combustion; James Plumbing; Central Engineering; Peerless Ind.
Reilly Janiczek	Colin Scanlon, Esq.	ITT; Cleaver Brooks; Hilco Inc. (individually and as successor to Universal Supply Group, Inc.)
Segal McCambridge	Kevin Turbert, Esq.	Victaulis
Speziali Greenwald	Joanne Hawkins, Esq.	Foster Wheeler
Tierrney Law Office	Todd Arno, Esq.	AJ Friedman Supply Co., Inc.
Weiner Lesniak	Helen Griff Chalier, Esq.	Robert A. Keasbey
Wilbraham Lawler	Tonya M. Harris, Esq.	Dunphey Smith
Wilson Elser	Joseph A. Gallo, Esq.	Ductmate

IT IS on this 13<sup>th</sup> day of June, 2011 *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**

- July 29, 2011            Plaintiff shall serve answers to wrongful death interrogatories by this date.
- July 8, 2011            Defendants shall serve answers to standard interrogatories by this date.
- August 26, 2011        Plaintiff shall propound supplemental interrogatories and document requests by this date.
- September 23, 2011    Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- August 26, 2011        Defendants shall propound supplemental interrogatories and document requests by this date.
- September 23, 2011    Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- November 30, 2011     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.
- November 30, 2011     Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

February 10, 2012 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

January 6, 2012 Summary judgment motions limited to product identification issues shall be filed no later than this date.

February 3, 2012 Last return date for product identification summary judgment motions.

### **POST SUMMARY JUDGMENT SETTLEMENT CONFERENCE**

March 1, 2012 @ 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.

*Case Management Conference to follow, if necessary.*

### **MEDICAL DEFENSE**

July 29, 2011 Plaintiff shall serve executed medical authorizations by this date.

August 31, 2011 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.

February 29, 2012 Plaintiff shall serve additional medical expert reports by this date.

February 29, 2012 Plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

March 30, 2012 Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

### **LIABILITY EXPERT REPORTS**

January 31, 2012 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 29, 2012 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.

March 30, 2012 Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

**ECONOMIST EXPERT REPORTS**

February 29, 2012 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.

March 30, 2012 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.

**PRE-TRIAL AND TRIAL**

To be scheduled Final settlement conference.

April 30, 2012 Trial Date. *(The August 29, 2011 trial is adjourned to this date.)*

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

*/s/ Ann G. McCormick*  
ANN G. McCORMICK, J.S.C.

cc: Clerk, Mass Tort  
Brody Deposition Services  
Priority One