

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

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

**Civil Action**

**CASE MANAGEMENT ORDER III**

ANTONIO SPINA,
<i>Plaintiff(s),</i>
vs.
AJ FRIEDMAN SUPPLY CO., et al
<i>Defendant(s).</i>

This matter coming in for a Case Management Conference with Special Master, Agatha N. Dzikiewicz, on August 31, 2012 with the following firms appearing:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Philip Tortoreti	Plaintiff(s)
Delany & O'Brien	Brian Lawler	Grant
Forman Perry	Timothy Coughlan	Trane US, Inc.; Flowmatic Corp.
Gibbons	Richard Reinartz	Hoffman-La Roche
Hack Piro	Robert Alencewicz	Johansen; Luce Schwab & Kase
Hardin Kundla	Timothy Coughlan	Aaron & Co.; Calon; John Zink;
Hoagland Longo	Nora Grimbergen	Abe Gruber; AGL Welding; Airgas/Jersey Welding; Burnham; Davidsen & Howard; Thermatic; York; WW Grainger
Kelley Jasons	Robert T. Connor	Victaulic
Kent McBride	David S. Kaplan	TJ McGlone; Binsky & Snyder
Langsam Stevens	Rob Stickley	Zy-Tech
Margolis Edelstein	Ashley T. Mollenthil	Verona Supply; Ideal Supply; General Plumbing; Engineering & Refrigeration Inc.; Monsen Engineering Co.; Woosulate; CFC Distributing Co.; Charles Connelly
Marks O'Neill	Dennis Schmieder	Van Houten Heating & Plumbing
Marshall Conway	Thomas J. Nemia	Slant Fin
McElroy Deutsch	Joshua Greeley	AO Smith
McGivney Kluger	Joel Clark Caitlin Christie	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
Methfessel & Werbel	Matthew Rachmiel	Ironbound Supply Co.
O'Toole Fernandez	Michael Garcia Joshua Lichtensetin	Sanders; National Combustion; James Plumbing; Central Engineering; PM Industrial Dana; Peerless Ind.

Pashman Stein	Michael J. Zoller	Broad Industrial Supply Co.
Pepper Hamilton	John Brenner	Bristol-Myers Squibb
Reilly Janiczek	Steven A. Jenks Jr.	ITT; Cleaver Brooks; Hilco Inc. (individually and as successor to Universal Supply Group, Inc.)
Sedgwick LLP	Corinne Cerrati	Foster Wheeler
Terkowitz Hermesmann	Albertina M. Amendola	Dasko
Tierney Law Office	Todd Arno	AJ Friedman Supply Co., Inc.
Wilson Elser	Emily Weisslitz	Ductmate

IT IS on this 31<sup>st</sup> day of August, 2012 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**

November 5, 2012 Plaintiff shall serve answers to wrongful death interrogatories by this date.

November 5, 2012 Defendants shall serve answers to standard interrogatories by this date.

December 5, 2012 Plaintiff shall propound supplemental interrogatories and document requests by this date.

January 7, 2013 Defendants shall serve answers to supplemental interrogatories and document requests by this date.

December 5, 2012 Defendants shall propound supplemental interrogatories and document requests by this date.

January 7, 2013 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.

January 18, 2013 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.

January 18, 2013 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

October 30, 2012 The settlement conference previously scheduled on this date is **CANCELLED**.

January 31, 2013 Settlement demands shall be served on all counsel and the Special Master by this date.

## **SUMMARY JUDGMENT MOTION PRACTICE**

February 22, 2013      Summary judgment motions limited to product identification issues shall be filed no later than this date.

March 22, 2013      Last return date for product identification summary judgment motions.

## **OTHER MOTIONS**

March 8, 2013      Filing date.

April 5, 2013      Return date.

## **MEDICAL DEFENSE**

February 28, 2013      Defendants shall identify its medical experts and serve medical expert reports, if any, by this date.

## **LIABILITY EXPERT REPORTS**

April 19, 2013      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.

May 17, 2013      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.

June 14, 2013      Plaintiff shall identify its rebuttal liability experts and serve rebuttal liability expert reports, if any, by this date.

## **ECONOMIST EXPERT REPORTS**

April 19, 2013      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.

May 17, 2013      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**

May 8, 2013 @ 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.

To be scheduled      Final settlement conference.

July 15, 2013

Trial Date. (*The February 4, 2013 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: counsel:

Baginski Mezzanotte for Sherman & Chaplin

Hardin Kundla for Calon, John Zink, Aaron

Marshall Dennehey for Riley Stoker

cc: Clerk, Mass Tort

Brody Deposition Services

Priority One