

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VII**

ESTATE of ANTONIO SPINA,	<i>Plaintiff(s),</i>
vs.	
AJ FRIEDMAN SUPPLY CO., INC., 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 March 17, 2016:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Vincent Cheng	Plaintiff(s)
Carroll McNulty	Stefanie Rokosz	Spirax Sarco
Gibbons	Mark R. Galdieri	Hoffman-La Roche
Hack Piro	Robert Alencewicz	Johansen; Luce Schwab
Hardin Kundla	Cynthia Lee	Aaron & Co.; Calon
Hoagland Longo	Jillian Madison	Abe Gruber; AGL Welding; Airgas/Jersey Welding; Davidsen & Howard; Thermatic; York; WW Grainger
Kelley Jasons	Joseph P. Vassalotti	Victaulic
Kent McBride	Ravi Shah	TJ McGlone; Binsky & Snyder
Margolis Edelstein	Justin M. Bettis	Ideal; Woosulate; Verona Eng. & Roofing; General Plumbing; CFC; Charles Connely; Mosen Engineering
Marks O'Neill	Sebastian Goldstein	Van Houten Heating & Plumbing; Hatzel & Beuhler
Marshall Conway Bradley	Norman J. Golub	Slant Fin
Eckert Seamans	Kate Ferouts	AO Smith
McGivney Kluger	Joel Clark Nancy Giacumbo Marc J. Wisel	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	Gerald KJaplan	Ironbound Supply Co.
O'Toole Fernandez	Gary Van Lieu	Sanders; National Combustion; James Plumbing; Central Engineering; PM Industrial Dana; Peerless Ind.
Pascarella DiVita	Brad Bishop	Flomatic; Trane Inc.; Crane
Pepper Hamilton	Nicholas Kouletsis Brian Zurich	Bristol Myers Squibb
Reilly Janiczek	Michelle Cappuccio	Cleaver Brooks; Hilco Inc. (individually and as successor to Universal Supply Group, Inc.)
Speziali / Sedgwick	Nicole Nielson-Pachkofskyh	Foster Wheeler
Styliades Mezzanotte	Erik Ortega	John Zinc; Sherman & Chaplin; Thermatic Inc.
Terkowitz & Hermesmann	Judy Collins	DASCE

Tierrney Law Office	Michael Murphy	AJ Friedman Supply Co., Inc.
Wilbraham Lawler	Tritin Fabro	Dunphey-Smith Corp.
Morgan Lewis Bockius	Christopher Iannicelli	ITT
Delany McBride	Nicole Duffy	
Pashman Stein	Michael J. Zaller	Broad Supply
Langsam Stevens	Robert Stickley	Zy-Tech
McElroy Deutsch	Joseph Rasnek	Burnham

IT IS on this 17<sup>th</sup> day of March, 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 17, 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.

July 18, 2016 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

July 29, 2016 Settlement demands shall be served on all counsel and the Special Master by this date.

**August 23, 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**

August 19, 2016 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

September 2, 2016 Summary judgment motions shall be filed no later than this date.

September 30, 2016 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

December 2, 2016 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**

- October 31, 2016 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.
- December 2, 2016 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**

- October 31, 2016 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.
- December 2, 2016 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 23, 2016 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**

- January 12, 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.
- January 23, 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: counsel:

Connell Foley for August Arace; Palermo Supply

cc: Clerk, Mass Tort