

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

**Docket No: L-5763-13 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER IV**

MARCUS & ROSALYN STRAUSS,  <i>Plaintiff(s),</i>  vs.  APS PLUMBING & HEATING SUPPLY, et al  <i>Defendant(s).</i>
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on May 5, 2015:

FIRM	ATTORNEY	CLIENT
Wilentz Goldman & Spitzer	Jon G. Kupilik	Plaintiff(s)
Dickie McCamey	William Smith	All State
Hawkins Parnell	Roy Viola	Milwaukee Valve
Hoagland Longo	Andrew Kessler	Community Plumbing Supply; Lawrence Kantor; Westside Plumbing Supply
Langsam Stevens	David McHale	Zy-Tech Global
Margolis Edelstein	Dawn Dezii	APS Plumbing; Goldberg; Engineering & Refrigeration; Central Jersey Supply
McGivney Kluger	Thomas McNulty Caitlin Christie	East Brunswick Supply; Elizabeth Plumbing; Manhattan Welding; Sid Harvey; Weil McLain
Pascarella DiVita	Brad Bishop	Trane
Sachs Maitlin Fleming	Christopher Klabonski	Taub Plumbing Supply Co., Inc.
Tierney Law Office	Mark Turner	Elizabeth Industrial; Major Inc.; AJ Friedman

IT IS on this 6<sup>th</sup> day of May, 2015 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**

May 19, 2015 Defendants shall serve answers to standard interrogatories by this date.

May 29, 2015 Third-party plaintiffs shall propound supplemental discovery on third-party defendants by this date.

June 30, 2015 Third-party defendants shall serve answers to supplemental discovery by this date.

### **EARLY SETTLEMENT**

May 19, 2015 Settlement demands shall be served on all counsel and the Special Master by this date.

July 9, 2015 @ 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 21, 2015 Summary judgment motions shall be filed no later than this date by any new parties and third-party defendants only.

September 18, 2015 Last return date for summary judgment motions filed by any new parties and third-party defendants only.

### **MEDICAL DEFENSE**

June 19, 2015 Plaintiff shall serve an amended medical expert report by this date.

November 6, 2015 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**

November 6, 2015 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 11, 2015 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**

November 6, 2015 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 11, 2015 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 31, 2015      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**

December 17, 2015 @ 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.

January 25, 2016                      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:  
Ricci Tyrell for Toms River Plumbing  
cc: Clerk, Mass Tort