

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

Docket No: L-2310-15 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

<p>NANCY FARINELLA (Estate of CHARLES T. FARINELLA), <i>Plaintiff(s)</i>,</p> <p>vs.</p> <p>ADVANCE THERMAL HYRONICS, INC., et al <i>Defendant(s)</i>.</p>

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on February 23, 2018:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph J. Mandia	Plaintiff(s)
Barry McTiernan Moore	Graham Gering	
Barry McTiernan Wedinger	Lyndsay M. Gonz	NJ Plumbing Group; Fulton Boiler; RW Beckett
Blank Rome	Daniel Jones	American Premier
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Day Pitney	Joshua Katz	Easco Boiler Corp.
Eckert Seamans	David Katzenstein	AO Smith
Hoagland Longo	Daniel Kuszmerski	Flexible Technologies; Johnson Controls; Johnston Boiler; Roberts Gordon; Wallwork Bros.; York International
Landman Corsi	JohnCarlo Villegas	ECR Corp.
Leader & Berkon	Christine Bucca	Spirax Sarco
Marks O'Neill	Sebastian Goldstein	Columbia Boiler
Marshall Conway	Adam Golub	Slant/Fin Corp.
Mayfield Turner	Max Novelli	Carrier
McCarter & English	John C. Garde	Ensinger; Ashland Inc.; Hercules
McElroy Deutsch	Joseph D. Rasnek	Burnham; Robert Shaw Controls
McGivney Kluger	Joel Clark Thomas McNulty	Pecora; JA Sexauer; Taco; Bonney Forge; Duro Dyne; Weil McLain; DAP; Nutley Heating
Montgomery Chapin	John Fetten	JH France
O'Toole Scrivo	Joshua Lichtenstein	Avocet
Pascarella DiVita	Madelyn Iulo	Trane; Crane Co.; Rheem Mfg. Co.
Reilly Janiczek	Adrianna Exler	Wymbs; Cleaver Brooks; SOS; Hilco; Benjamin Bros.; Plumbing Holdings
Troutman Sanders	Joanne Rogers	Advance Thermal Hydrionics; Mestek; Reed National Financial Corp.
White & Williams	Victor Zarilli	Bradford White Corp.
Wilbraham Lawler	Matthew Jones	Silver Mason

IT IS on this 27th day of **February, 2018**, 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

- June 29, 2018 Plaintiff and defendants shall respond to supplemental discovery by this date.
- August 31, 2018 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.
- September 28, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- December 14, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- October 26, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- November 9, 2018 Summary judgment motions shall be filed no later than this date.
- December 7, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

- October 31, 2018 Plaintiff shall serve medical expert reports by this date.
- October 31, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.
- January 31, 2019 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, 2018 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.
- January 31, 2019 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, 2018 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.
- January 31, 2019 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

February 28, 2019 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

September 6, 2018 The settlement conference previously scheduled on this date is **cancelled**.

To be scheduled Settlement conference.

March 25, 2019 Trial Date. *(The October 1, 2018 trial is adjourned to this 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: Clerk, Mass Tort