

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

**Docket No: L-2310-15 (AS)**

**Civil Action**

**CASE MANAGEMENT ORDER I**

NANCY FARINELLA (Estate of CHARLES T. FARINELLA),  <i>Plaintiff(s),</i>
vs.
ADVANCE THERMAL HYDRONICS, 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 August 26, 2016:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Joseph Mandia	Plaintiff(s)
Barry McTiernan	Anna Hadjitheodosiou	NJ Plumbing Group
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Day Pitney	Marc D. Crowley	Easco Boiler Corp.
Delany McBride	Ariana Seidel	Peerless Industries; Ductmate
Eckert Seamans	Michael A. Posavetz	AO Smith
Gibbons PC	Mark R. Galdieri	Honeywell International Inc.
Hoagland Longo	James Goodloe	Flexible Technologies; Johnson Controls; Johnsten Boiler; Roberts Gordon; Wallwork Bros.; York International
Kent McBride	Christopher Devanny	ECR Corp.
Leader & Berkon	Christine Bucca	Spirax Sarco
Lynch Daskal	Kate Romick	Georgia Pacific
Marshall Conway	Norman J. Golub	Slant/Fin Corp.
Mayfield Turner	Adam Fogarty	Carrier
McCarter & English	Chris Rojao	Ensinger
McElroy Deutsch	Joseph D. Rasnek	Burnham; Robert Shaw Controls
McGivney Kluger	Joel Clark Caitlin Christie	Duro Dyne; Weil McLain; JA Sexauer; DAP; Pecora; Taco; Nutley Heating & Cooling; Bonney Forge
Montgomery Chapin	John Fetten	JH France
O'Toole Fernandez	Max Sverdlove	Avocet
Pascarella DiVita	Inge Cully	Trane; Crane Co.; Rheem Mfg. Co.
Reilly Janiczek	Adrianna Exler	Wymbs; Cleaver Brooks; SOS; Hilco; Benjamin Bros.; Plumbing Holdings
Segal McCambridge	Audrey O. Anyaele	American Premier Underwriters
Swain & Westreich	Kenneth Westreich	Silver Mason
Troutman Sanders	Joanne Rogers	Advance Thermal Hydronics; Mestek; Reed National Financial Corp.
White & Williams	Victor Zarrilli	Bradford White Corp.
Wilbraham Lawler	Tristin Fabro	Silver Mason

IT IS on this 29<sup>th</sup> day of August, 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**

- |                    |   |
|--------------------|---|
| December 16, 2016  | Plaintiff shall serve answers to wrongful death interrogatories by this date.   |
| September 16, 2016 | Defendants shall serve answers to standard interrogatories by this date.  |
| November 4, 2016   | Plaintiff shall propound supplemental interrogatories and document requests by this date.   |
| December 16, 2016  | Defendants shall serve answers to supplemental interrogatories and document requests by this date.  |
| November 4, 2016   | Defendants shall propound supplemental interrogatories and document requests by this date.  |
| December 16, 2016  | Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.   |
| May 31, 2017       | 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. |
| May 31, 2017       | Depositions of corporate representatives shall be completed by this date.   |

### **EARLY SETTLEMENT**

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|-----------------|--|
| August 11, 2016 | Settlement demands shall be served on all counsel and the Special Master by this date. |
|-----------------|--|

### **SUMMARY JUDGMENT MOTION PRACTICE**

- |                |   |
|----------------|---|
| June 16, 2017  | Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date. |
| July 7, 2017   | Summary judgment motions shall be filed no later than this date.                            |
| August 4, 2017 | Last return date for summary judgment motions.  |

### **MEDICAL DEFENSE**

- |              |  |
|--------------|--|
| May 31, 2017 | Plaintiff shall serve medical expert reports by this date.   |
| May 31, 2017 | Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date. |

August 31, 2017 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**

June 30, 2017 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.

August 31, 2017 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**

June 30, 2017 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.

August 31, 2017 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**

September 15, 2017 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 12, 2017 @ 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.

October 9, 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: Clerk, Mass Tort