

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

Docket No: L-2310-15 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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| 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 May 4, 2017:

| FIRM | ATTORNEY | CLIENT |
|-----------------------|----------------------------------|--|
| Levy Konigsberg | Amber Long | Plaintiff(s) |
| Barry McTiernan Moore | Jennifer Cheong Graham Gering | NJ Plumbing Group |
| Bonk Law Office | Bryan Bonk | Bergen Plumbing & Supply |
| Caruso Smith | Alexandra Caruso | CertainTeed; Union Carbide |
| Day Pitney | Naju R. Lathia | Easco Boiler Corp. |
| Delany McBride | Ariana Seidel | Peerless Industries; Ductmate |
| Eckert Seamans | Stephanie Coleman | AO Smith |
| Gibbons PC | Mark R. Galdieri | Honeywell International Inc. |
| Hoagland Longo | Alyssa DeFuria | Flexible Technologies; Johnson Controls; Johnsten Boiler; Roberts Gordon; Wallwork Bros.; York International |
| Landman Corsi | Kimberly A. Perez | ECR Corp. |
| Leader & Berkon | Christina Bucca | Spirax Sarco |
| Lynch Daskal | Troy P. Cunningham | Georgia Pacific |
| Marks O'Neill | Sophia Turis | Columbia Boiler |
| Marshall Conway | Adam Golub | Slant/Fin Corp. |
| Mayfield Turner | Joshua Locke | Carrier |
| McCarter & English | John C. Garde | Ensinger |
| McElroy Deutsch | Joseph D. Rasnek | Burnham; Robert Shaw Controls |
| Montgomery Chapin | John Fetten | JH France |
| O'Toole Fernandez | Gary Van Lieu | Avocet |
| Pascarella DiVita | Bradley E. Bishop | Trane; Crane Co.; Rheem Mfg. Co. |
| Reilly Janiczek | Zachary Green | Wymbs; Cleaver Brooks; SOS; Hilco; Benjamin Bros.; Plumbing Holdings |
| Segal McCambridge | Kevin Turbert | American Premier Underwriters |
| Troutman Sanders | Joanne Rogers | Advance Thermal Hydronics; Mestek; Reed National Financial Corp. |
| White & Williams | James Burger | Bradford White Corp. |
| Wilbraham Lawler | Trustin Fabro` | Silver Mason |

IT IS on this 17th day of May, 2017, *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

September 8, 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.

October 6, 2017 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

December 15, 2017 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

October 20, 2017 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

November 3, 2017 Summary judgment motions shall be filed no later than this date.

December 1, 2017 Last return date for summary judgment motions.

MEDICAL DEFENSE

September 29, 2017 Plaintiff shall serve medical expert reports by this date.

September 29, 2017 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

April 6, 2018 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

January 19, 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.

April 6, 2018 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

January 19, 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.

April 6, 2018 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

April 30, 2018 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 The settlement conference previously scheduled on this date is **cancelled**.

April 26, 2018 @ 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.

May 29, 2018 (*Tuesday*) Trial Date. (*The October 9, 2017 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