

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

Docket No: L-2310-15 (AS)

Civil Action

CASE MANAGEMENT ORDER III

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 31, 2017:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Amber Long	Plaintiff(s)
Barry McTiernan Wedinger	Jennifer Cheong	NJ Plumbing Group; Fulton Boiler; RW Beckett
Caruso Smith	Stacey Lee Trien	CertainTeed; Union Carbide
Clyde & Co.	Cindy Moore	American Premier Underwriters
Day Pitney	Sylvia-Rebecca Gutierrez	Easco Boiler Corp.
Delany McBride	Ariana Seidel	Peerless Industries; Ductmate
Eckert Seamans	David Katzenstein	AO Smith
Hoagland Longo	Jillian Madison	Flexible Technologies; Johnson Controls; Johnsten Boiler; Roberts Gordon; Wallwork Bros.; York International
Landman Corsi	Elyse Schier	ECR Corp.
Leader & Berkon	Christine Bucca	Spirax Sarco
Lynch Daskal	Elissa Regev	Georgia Pacific
Marks O'Neill	Sophia Piris	Columbia Boiler
Marshall Conway	Adam Golub	Slant/Fin Corp.
Mayfield Turner	Sara Saltsman	Carrier
McCarter & English	John C. Garde	Ensinger; Ashland Inc.; Hercules
McElroy Deutsch	Andrew F. Bain	Burnham; Robert Shaw Controls
McGivney Kluger	Caitlin Bodtmann Joel Clark	Pecora; JA Sexauer; Taco; Bonney Forge; Duro Dyne; Weil McLain; DAP; Nutley Heating
Montgomery Chapin	Brent Bouma	JH France
O'Toole Scrivo	Gary Van Lieu	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 Hydronics; Mestek; Reed National Financial Corp.
White & Williams	Augusta O'Neill	Bradford White Corp.
Wilbraham Lawler	Matthew Jones	Silver Mason

IT IS on this 6th day of September, 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

- October 31, 2017 Plaintiff and defendants shall respond to supplemental discovery by this date.
- February 28, 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.
- February 28, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- May 11, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

- March 16, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 29, 2018 (*Thurs.*) Summary judgment motions shall be filed no later than this date.
- April 27, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

- December 29, 2017 Plaintiff shall serve medical expert reports by this date.
- December 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.
- August 3, 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

- June 15, 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.
- August 3, 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

- June 15, 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.
- August 3, 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

- August 31, 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

- April 26, 2018 The settlement conference previously scheduled on this date is **cancelled**.
- September 6, 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.
- October 1, 2018 Trial Date. (*The May 29, 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