

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

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

**Civil Action**

**CASE MANAGEMENT ORDER VI**

NANCY FARINELLA (Estate of CHARLES T. FARINELLA),  <i>Plaintiff(s),</i>
vs.
ADVANCE THERMAL HYRONICS, 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 March 20, 2019:

FIRM	ATTORNEY	CLIENT
Levy Konigsberg	Daniel Weiss	Plaintiff(s)
Barry McTiernan Moore	Cara E. Manz	NJ Plumbing Group LLC d/b/a Blackman Plumbing Supply
Barry McTiernan Wedinger	Cara E. Manz	Fulton Boiler Works; RW Beckett Corp.
Caruso Smith	Marcia DePolo	CertainTeed; Union Carbide
Clyde & Co.	Kevin Turbert	Burnham LLC; American Premier Underwriters
Day Pitney	Michael Fialkoff	Easco Boiler Corp.
Eckert Seamans	Michael A. Posavetz	AO Smith
Hoagland Longo	Ibrahim Kosoko	Flexible Technologies; Johnson Controls; Johnston Boiler; Roberts Gordon; Wallwork Bros.; York International
Landman Corsi	Jessica Lomia	ECR Corp.
Leader & Berkon	Christine Bucca	Spirax Sarco
Lucosky Brookman	Norman J. Golub	Slant/Fin Corp.
Margolis Edelstein	Peter S. Cuddihy	Bergen Plumbing & Heating Supply
Marks O'Neill	Paul Smyth	Columbia Boiler
McCarter & English	Amanda M. Munsie	Ensinger; Ashland Inc.; Hercules
McElroy Deutsch	Joseph D. Rasnek	Robert Shaw Controls
McGivney Kluger	Thomas McNulty Joel Clark	Pecora; JA Sexauer; Taco; Bonney Forge; DAP; Weil McLain; Nutley Heating
Montgomery Fetten	John Fetten	JH France Refractories
O'Toole Scrivo	Gary Van Lieu	Avocet
Pascarella DiVita	Stephanie DiVita	Trane; Crane Co.; Rheem Mfg. Co.
Reilly McDevitt	Karen Stanzione Conte	Wymbs; Cleaver Brooks; SOS; Hilco; Benjamin Bros.; Plumbing Holdings
Turner O'Mara	Dave J. Gallaehar	Carrier
Wilbraham Lawler	Lynne Roberts	Silver Mason

IT IS on this 25<sup>th</sup> day of March, 2019, 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.

Any jurisdictional motions must be filed in accordance with the Court Rules or be waived.

Any *forum non conveniens* motions must be filed as soon as practicable; once sufficient discovery is conducted so that the motion may be properly brought.

### **DISCOVERY**

June 28, 2019 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.

June 28, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

December 6, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **MEDICAL EXPERT REPORT**

July 31, 2019 Plaintiff shall serve medical expert reports by this date.

July 31, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

September 30, 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**

July 31, 2019 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

September 30, 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.

### **SUMMARY JUDGMENT MOTION PRACTICE**

July 31, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

October 25, 2019 Summary judgment motions shall be filed no later than this date.

November 22, 2019 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

- July 31, 2019                      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.
- September 30, 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**

- January 17, 2020                      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**

- To be scheduled                              Settlement conference.
- February 24, 2020                              Trial Date. (*The August 5, 2019 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: counsel:

White & Williams for Bradford White

cc: Clerk, Mass Tort