

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

Docket No: L-3269-17 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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| ESTATE of JOHN FINUCANE, vs. ADVANCED THERMAL HYDRONICS, et al | <i>Plaintiff(s),</i> <i>Defendant(s).</i> |
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on April 5, 2018:

| FIRM | ATTORNEY | CLIENT |
|--------------------------|------------------------------------|--|
| Maune Raichle | Patrick Timmins | Plaintiff(s) |
| Barry McTiernan Moore | Cara Manz | Blackman Plumbing; NJ Plumbing Group; Ridgewood Corp. |
| Barry McTiernan Wedinger | Cara Manz | Fulton Boiler |
| Blank Rome | Cindy Mare | American Premier Underwriters |
| Caruso Smith Picini | Alexandra Caruso | Union Carbide; AmChem |
| Clyde & Co. | Kevin Turbert | Burnham |
| Cullen and Dykman | John J. Burbridge | FW Webb Co. |
| Day Pitney | Alyssa Musmanno | Easco Boiler Corp. |
| Delany McBride | Ariana Seidel | Peerless Ind. |
| Ecker Seamans | Christoher Bladel | AO Smith |
| Hawkins Parnell | Manuel A. Guevara | Hurst Boiler |
| Hoagland Longo | Jillian Madison | Johnson Controls; Flexible Technologies; Johnston Boiler; Lawrence Kantor; Wallwork Brothers |
| Jones Law Office | Richard Jones | Metropolitan Life |
| Kelley Jasons | Michael Pestrak | FMC Corp.; Schneider Electric f/k/a Square D; Sterling Fluid Systems USA |
| Landman Corsi | Colin P. Be | ECR |
| Leader & Berkon | Christine Bucca | Spirax Sarco |
| Margolis Edelstein | Dawn Dezii | Cemline; Watson McDaniel; Donatucci Kitchens |
| Marin Goodman | Fred Goodman | Fluor |
| Marks O'Neill | Michael Slivjak | Columbia Boiler; Superior Boiler Works, Inc. |
| Maron Marvel | Timothy Coughlan | CompuDyne; Keeler Dorr Oliver Boiler Co. improperly plead as Metso Minerals Ind., Inc. |
| Marshall Conway | Adam Golub | Slant /Fin Corp. |
| Marshall Dennehey | Paul Johnson | Hanover Supply |
| Mayfield Turner | Sara Saltsman | Carrier Corp. |
| McCarter & English | Sarah Tremor | Hercules |
| McCullough Ginsberg | Jason Schmolze | Okonite |
| McElroy Deutsch | Stephanie Lopez | Rockwell Automation; Burnham |
| McGivney Kluger | Caitlin Bodtmann Thomas McNulty | Red Devil, Inc.; Weil McLain; Amtrol, Inc.; Pecora; Taco; DAP; Philadelphia Plumbing Supply |

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|------------------------------|---------------------|---|
| Mercer Law Offices | Jennifer L. Stratis | The John Wood Co., Inc. |
| Montgomery Fetten | Jason Rojas | JH France |
| Morrison Mahoney | Diana Hernandez | Cleveland Range |
| Nowell PA | Jacek Zapotoczny | United Supply Co. |
| Pascarella DiVita | John S. McGowan | Rheem |
| Rawle & Henderson | Paul Smyth | Atlantic Plumbing Supply |
| Reilly McDevitt | Adrianna Exler | Ral Supply; Cleaver Brooks |
| Ricci Tyrrell | Nancy Green | Patterson Kelley |
| Tanenbaum Keale c/o Speziali | Afigo Fadahunsi | General Electric |
| Troutman Sanders | Joanne P. Rogers | Advanced Thermal Hydronics; Mestek Inc. |
| Weber Gallagher | Mark Heftler | Red White Valve |
| White & Williams | Michael J. Toczyski | Bradford White; Laars Heating Systems |
| Wilbraham Lawler | Anisha S. Abraham | Dunphey-Smith |

IT IS on this 12th day of April, 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

- May 4, 2018 Plaintiff shall serve answers to wrongful death interrogatories by this date.
- May 4, 2018 Defendants shall serve answers to standard interrogatories by this date.
- June 22, 2018 Plaintiff shall propound supplemental interrogatories and document requests by this date.
- July 31, 2018 Defendants shall serve answers to supplemental interrogatories and document requests by this date.
- June 22, 2018 Defendants shall propound supplemental interrogatories and document requests by this date.
- July 31, 2018 Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
- October 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.
- November 16, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

- March 15, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

January 18, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

February 1, 2019 Summary judgment motions shall be filed no later than this date.

March 1, 2019 Last return date for summary judgment motions.

MEDICAL DEFENSE

December 7, 2018 Plaintiff shall serve medical expert reports by this date.

April 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

December 7, 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 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.

EXPERT DEPOSITIONS

May 31, 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

May 15, 2019 @ 1:30pm 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.

June 24, 2019 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