

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

Docket No: L-3269-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

ESTATE of JOHN FINUCANE,
Plaintiff(s),

vs.

ADVANCED THERMAL HYDRONICS, et al
Defendant(s).

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on December 19, 2018:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins Lorrette Fisher	Plaintiff(s)
Barry McTiernan Moore	Graham Gering	NJ Plumbing Group d/b/a Blackman Plumbing Supply Co
Barry McTiernan Wedinger	Cara Manz	Fulton Boilerworks
Caruso Smith Picini	Nicholas Albano III	CertainTeed; Union Carbide; Kennedy Culvert; AmChem; Brent Materials
Day Pitney	Michel L. Fialkoff	Easco Boiler Corp.
Delany McBride	Sara Labashosky	Peerless Ind.
Eckert Seamans	Michael A. Posavetz	AO Smith
Hoagland Longo	Ibrahim Kosoko	Johnson Controls; Flexible Technologies; Johnston Boiler; Lawrence Kantor; Wallwork Brothers
Kelley Jasons	John Martin	FMC Corp.; Schneider Electric f/k/a Square D; Sterling Fluid Systems USA
Landman Corsi	Jessica Lomia	ECR
Leader & Berkon	Christine Bucca	Spirax Sarco
Margolis Edelstein	Nicholas Sulpizio	Cemline; Watson McDaniel; Donatucci Kitchens
Marks O'Neill	Paul Smyth	Columbia Boiler Co. of Patterson; Superior Boiler Works, Inc.
Maron Marvel	Lina C. Flanigan	CompuDyne; Keeler Dorr Oliver Boiler Co. improperly plead as Metso Minerals Ind., Inc.
Marshall Conway	Stacey Snyder	Slant /Fin Corp.
Marshall Dennehey	Paul Johnson	Hanover Supply; Patterson Kelly
Mayfield Turner	Sara Saltsman	Carrier Corp.
McCarter & English	David J. Cooner	Hercules Inc.
McElroy Deutsch	Donna duBeth Gardiner	Rockwell Automation; Burnham
McGivney Kluger	Joel Clark	Red Devil, Inc.; Weil McLain; Amtrol, Inc.; Pecora; Taco; DAP; Philadelphia Plumbing Supply
Montgomery Fetten	Jeffrey	JH France
Morrison Mahoney	Jeff Swanson	Cleveland Range

Nowell PA	Linda Dunne	United Supply Co.
Pascarella DiVita	Joshua Greeley	Ingersoll Rand; Trane US Inc.; Rheem Mfg.
Rawle & Henderson	Samuel Garson	Atlantic Plumbing Supply
Reilly McDevitt	Michelle Cappuccio	Ral Supply; Cleaver Brooks
Troutman Sanders	Joanne P. Rogers	Advanced Thermal Hydronics; Mestek Inc.
White & Williams	Michael J. Toczyski	Bradford White; Laars Heating Systems
Wilbraham Lawler	Lynn Roberts Jason Harmon	Dunphey-Smith

IT IS on this 20th day of **December, 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.

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

March 15, 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.

March 29, 2019 Depositions of corporate representatives shall be completed by this date.

MEDICAL EXPERT REPORT

April 12, 2019 Plaintiff shall serve medical expert reports by this date.

April 12, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 16, 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

April 12, 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.

August 16, 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

- April 26, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
- May 10, 2019 Summary judgment motions shall be filed no later than this date.
- June 7, 2019 Last return date for summary judgment motions.

SETTLEMENT

- June 21, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

EXPERT DEPOSITIONS

- September 13, 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 The settlement conference previously scheduled on this date is **cancelled**.
- September 18, 2019 @ 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 21, 2019 Trial Date. *(The June 24, 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: Clerk, Mass Tort