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

Docket No: L-3269-17 (AS)

Civil Action

CASE MANAGEMENT ORDER III

This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and

the following parties on *December 19, 2018*:

ADVANCED THERMAL HYDRONICS, et al

Plaintiff(s),

Defendant(s).

| FIRM | ATTORNEY | CLIENT |
|--------------------------|-----------------------|---|
| | | |
| Maune Raichle | Patrick Timmins | Plaintiff(s) |
| | Lorrette Fisher | |
| 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 |

vs.

ESTATE of JOHN FINUCANE,

| 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 | Dunphey-Smith |
| | Jason Harmon | |

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. |
| <u>SETTLEMENT</u> | |
| June 21, 2019 | Settlement demands shall be served on all counsel and the Special Master by this date. |

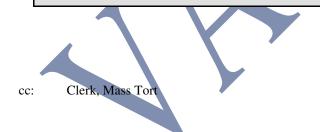
EXPERT DEPOSITIONS

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 . |
|------------------------------------|--|
| Southern 18, 2010 \odot 10:00 cm | Sattlement and former All defense annual shall announ with outh with to promitive |
| 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.



<u>/s/ Ana C. Víscomí</u> ANA C. VISCOMI, J.S.C.