

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

Docket No: L-3269-17 (AS)

Civil Action

CASE MANAGEMENT ORDER IV

ESTATE of JOHN FINUCANE, <i>Plaintiff(s),</i>
vs.
ADVANCED THERMAL HYDRONICS, 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 June 7, 2019:

FIRM	ATTORNEY	CLIENT
Maune Raichle	Patrick Timmins	Plaintiff(s)
Barry McTiernan Moore	Cara E. Manz	NJ Plumbing Group d/b/a Blackman Plumbing Supply Co
Barry McTiernan Wedinger	Cara E. Manz	Fulton Boilerworks
Caruso Smith Picini	Alexandra Caruso	Union Carbide; AmChem
Clyde & Co.	Kevin Turbert	Burnham; American Premier Underwriters
Cullen & Dykman	John Fanning	FW Webb Co.
Day Pitney	Alyssa Musmanno	Easco Boiler Corp.
Goldberg Segalla	Jessica Saad	Red White Valve Corp.
Hoagland Longo	Amie Kalac	Flexible Technologies; Johnston Boiler; Lawrence Kantor; Wallwork Brothers
K&L Gates	Michael Waller	McWane, Inc.
Kelley Jasons	Angela Caliendo	FMC Corp.; Schneider Electric f/k/a Square D
Landman Corsi	Jessica Laomia	ECR International
Leader & Berkon	Christine Bucca	Spirax Sarco; Weil McLain
Lucosky Brookman	Norman J. Golub	Slant/Fin Corp.
Margolis Edelstein	Jeanine D. Clark	Cemline; Watson McDaniel; John Crane; Shore Industrial & Plumber
Marks O'Neill	Nicole M. Mulhern	Columbia Boiler Co. of Patterson; Superior Boiler Works, Inc.
Maron Marvel	Audrey O. Anyaele	CompuDyne; Keeler Dorr Oliver Boiler Co. improperly plead as Metso Minerals Ind., Inc.
Marshall Dennehey	Paul Johnson	Hanover Supply; Patterson Kelly
McCarter & English	Sarah Tremer	Hercules Inc.
McElroy Deutsch	Joseph D. Rasnek	Rockwell Automation
McGivney Kluger	Trish Wilson Jennifer Hally	Red Devil, Inc.; Amtrol, Inc.; Pecora; Taco; DAP; Philadelphia Plumbing Supply
Morrison Mahoney	Mary Youssef	Cleveland Range
Nowell PA	Linda Dunne	United Supply Co.
Pascarella DiVita	Stephanie DiVita	Ingersoll Rand; Trane US Inc.; Rheem Mfg.
Rawle & Henderson	Sebastian Goldstein	Atlantic Plumbing Supply
Reilly McDevitt	Hena Kumar	Ral Supply; Cleaver Brooks
Troutman Sanders	Joanne P. Rogers	Advanced Thermal Hydronics; Mestek Inc.

Turner O'Mara	Dave J. Gallacher	Carrier Corp.
White & Williams	Philip Farinella	Bradford White; Laars Heating Systems
Wilbraham Lawler	Josette Spivak	Dunphey-Smith

IT IS on this 10th day of **June 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.

Defense counsel shall notify plaintiff's counsel within thirty (30) days of the date of this Order if their client was incorrectly named in the Complaint. Counsel may be barred from raising this defense at a later time for failure to comply.

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

December 31, 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.

January 31, 2020 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

May 8, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

February 28, 2020 Plaintiff shall serve medical expert reports by this date.

February 28, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

June 12, 2020 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

February 28, 2020 Plaintiff shall identify its liability experts and serve liability expert reports by this date or waive any opportunity to rely on liability expert testimony.

June 12, 2020 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

- March 13, 2020 Plaintiff’s counsel shall advise, in writing, of intent not to oppose motions by this date.
- March 27, 2020 Summary judgment motions shall be filed no later than this date.
- April 24, 2020 Last return date for summary judgment motions.

EXPERT DEPOSITIONS

- July 10, 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

- July 9, 2020 @ 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.
- August 10, 2020 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