

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

Docket No: **L-4234-16 (AS)**

Civil Action

CASE MANAGEMENT ORDER I

ESTATE of KATHERINE AGRI (Estate of Orin Agri),  <p style="text-align: center;"><i>Plaintiff(s),</i></p> vs. ACE HARDWARE CORP., et al  <p style="text-align: center;"><i>Defendant(s).</i></p>	
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This matter coming in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on March 23, 2017:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Joseph Cotilletta	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Christie & Young	George S. Bobnak	HB Fuller Co.
Dickie McCamey	William Smith	Resillo Press Pad
DLA Piper	Jennifer McGarrity	BASF Catalysts LLC
Drinker Biddle	Jack Frost	Johnson & Johnson; Johnson & Johnson Consumer
Flemming Zulack	Thomas A. Egan	Alliance Laundry
Gibbons PC	Robert Brown	The Sherwin Williams Co.
Goldberg Segalla	H. Lockwood Miller	Procter & Gamble
Goldberg Segalla	David Rutkowski	Unipress
Goldfein & Joseph	Willard Preston	Domco
Gordon & Rees LLP	Shaleemar de los Reyes	Conwed
Hawkins Parnell	Roy Viola	Revlon
Hoagland Longo	James Goodloe	Whittaker Clark & Daniels
Kelley Jasons	Dana Maugeri	Forenta, LP
Leader & Berkon	Christine Bucca	Helen of Troy, Ltd.
Lewis Brisbois	Patrick Lynott	Rio Tinto Ltd.; Rio Tinto Minerals, Inc.
Lowenstein Sandler LLP	Rebecca Ryan	Unilever United States
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Benjamin Moore; PPG Architectural Finishes
McGivney Kluger	Joel Clark	Homoste; DAP; Ace Hardware; Graybar
Mendes & Mount	William Wachenfeld	Ametek, Inc.
O'Toole Scrivo	Gary Van Lieu	RT Vanderbilt; Pellerin Milnor
Pascarella DiVita	Gabriel Miller	Rheem Mfg.
Rawle & Henderson	Christina A. Gonzales	American Biltrite; Cyprus Amax Minerals; Imerys Talc America
Reilly Janiczek	Ryan Notarangelo	Tingue Brown Co.
Swartz Campbell	Gregory Stokes	Qualitex Co.
Tanenbaum Keale	David Blow	Westinghouse
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.
Wilbraham Lawler	Tristin Fabro	831 South First St. f/k/a Cissell Mfg. Co.

IT IS on this 24<sup>th</sup> day of March, 2017, *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.

### **DISCOVERY**

June 12, 2017	Plaintiff shall serve answers to standard interrogatories.
June 12, 2017	Plaintiff shall serve answers to wrongful death interrogatories by this date.
July 14, 2017	Defendants shall serve answers to standard interrogatories by this date.
September 1, 2017	Plaintiff shall propound supplemental interrogatories and document requests by this date.
October 20, 2017	Defendants shall serve answers to supplemental interrogatories and document requests by this date.
September 1, 2017	Defendants shall propound supplemental interrogatories and document requests by this date.
October 20, 2017	Plaintiff shall serve answers to supplemental interrogatories and document requests by this date.
December 15, 2017	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.
February 16, 2018	Depositions of corporate representatives shall be completed by this date.

### **CASE MANAGEMENT CONFERENCE**

January 11, 2018 @ 10:00am Case Management Conference is scheduled before the Special Master.

### **SUMMARY JUDGMENT MOTION PRACTICE**

March 2, 2018	Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.
March 16, 2018	Summary judgment motions shall be filed no later than this date.
April 13, 2018	Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

June 12, 2017	Plaintiff shall serve executed medical authorizations (along with answers to interrogatories) by this date.
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June 12, 2017 Plaintiff shall serve a diagnostic medical report and any medical records in plaintiff's possession by this date.

May 18, 2018 Plaintiff shall serve medical expert reports by this date.

May 18, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 13, 2018 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**

May 18, 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.

July 13, 2018 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.

#### **ECONOMIST EXPERT REPORTS**

May 18, 2018 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.

July 13, 2018 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**

August 10, 2018 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.

September 10, 2018 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: Forman Watkins  
Clerk, Mass Tort