

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

Docket No: L-2310-15 (AS)

Civil Action

**CASE MANAGEMENT ORDER VII
AMENDED**

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| NANCY FARINELLA (Estate of Charles Farinella), vs. ADVANCE THERMAL HYDRONICS INC., et al | Plaintiff(s), Defendant(s). |
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This matter having come in for a Case Management Conference before Special Master Agatha N. Dzikiewicz and the following parties on September 18, 2019; and the parties having jointly requested certain extensions to Case Management Order VII;

| FIRM | ATTORNEY | CLIENT |
|---------------------------------|------------------------------|---|
| <i>Levy Konigsberg</i> | <i>Robert Ellis</i> | <i>Plaintiff(s)</i> |
| <i>Barry McTiernan Moore</i> | <i>Matthew Mann</i> | <i>NJ Plumbing Group LLC d/b/a Blackman Plumbing Supply</i> |
| <i>Barry McTiernan Wedinger</i> | <i>Matthew Mann</i> | <i>Fulton Boiler Works; RW Beckett Corp.</i> |
| <i>Caruso Smith</i> | <i>Alexandra Caruso</i> | <i>CertainTeed; Union Carbide</i> |
| <i>Clyde & Co.</i> | <i>Kevin Turbert</i> | <i>Burnham LLC; American Premier Underwriters</i> |
| <i>Day Pitney</i> | <i>Joshua Katz</i> | <i>Easco Boiler Corp.</i> |
| <i>Delany McBride</i> | <i>Tom Wallace</i> | <i>Ductmate Ind.</i> |
| <i>Eckert Seamans</i> | <i>Michael A. Posavetz</i> | <i>AO Smith</i> |
| <i>Hoagland Longo</i> | <i>Shazia deWit</i> | <i>Flexible Technologies; Johnston Boiler; Wallwork Bros.</i> |
| <i>Landman Corsi</i> | <i>Jessica Lomia</i> | <i>ECR Corp.</i> |
| <i>Leader & Berkon</i> | <i>Christine Bucca</i> | <i>Spirax Sarco</i> |
| <i>Lucosky Brookman</i> | <i>Adam Golub</i> | <i>Slant/Fin Corp.</i> |
| <i>Margolis Edelstein</i> | <i>Dawn Dezii</i> | <i>Bergen Plumbing & Heating Supply</i> |
| <i>Marks O'Neill</i> | <i>Paul Smyth</i> | <i>Columbia Boiler</i> |
| <i>McCarter & English</i> | <i>Amanda M. Munsie</i> | <i>Ensinger; Ashland Inc.; Hercules</i> |
| <i>McElroy Deutsch</i> | <i>Nancy McDonald</i> | <i>Robert Shaw Controls</i> |
| <i>McGivney Kluger</i> | <i>Joel Clark</i> | <i>Pecora; JA Sexauer; Taco; Bonney Forge; DAP; Weil McLain; Nutley Heating</i> |
| <i>O'Toole Scrivo</i> | <i>Franklin Paez</i> | <i>Avocet Enterprises</i> |
| <i>Pascarella DiVita</i> | <i>John S. McGowan</i> | <i>Trane; Crane Co.; Rheem Mfg. Co.</i> |
| <i>Reilly McDevitt</i> | <i>Karen Stanzione Conte</i> | <i>Wymbs; Cleaver Brooks; SOS; Hilco; Benjamin Bros.; Plumbing Holdings</i> |
| <i>Troutman Sanders</i> | <i>Joanne P. Rogers</i> | <i>Advance Thermal Hydronics; Mestek; Reed National Financial Corp.</i> |
| <i>Turner O'Mara</i> | <i>Dave J. Gallacher</i> | <i>Carrier</i> |
| <i>Wilbraham Lawler</i> | <i>Mark Skinner</i> | <i>Silver Mason</i> |

IT IS on this 10th day of JANUARY 2020, that Case Management Order VII is hereby

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

EARLY SETTLEMENT

April 10, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

MEDICAL EXPERT REPORT

April 10, 2020 Plaintiff shall serve medical expert reports by this date.

April 10, 2020 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

July 15, 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

April 10, 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.

July 15, 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

April 10, 2020 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 24, 2020 Summary judgment motions shall be filed no later than this date.

May 22, 2020 Last return date for summary judgment motions.

ECONOMIST EXPERT REPORTS

- April 10, 2020 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 15, 2020 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 12, 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

- To be scheduled Settlement conference.
- June 11, 2020 The status conference previously scheduled on this date is **cancelled**.
- August 11, 2020 @ 10:00am Status conference.
- September 14, 2020 Trial Date. (*The July 13, 2020 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