

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

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

**Civil Action**

**CASE MANAGEMENT ORDER V**

ESTATE of KATHERINE AGRI (Estate of Orin Agri),  <i>Plaintiff(s),</i>  vs. ACE HARDWARE CORP., et al  <i>Defendant(s).</i>
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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 20, 2019:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Darron Berquist	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed
DLA Piper	Cory Sidelsky	BASF Catalysts LLC
Gibbons PC	Robert Brown	Sherwin-Williams Co.
Goldberg Segalla	H. Lockwood Miller	Procter & Gamble
Goldfein & Joseph	Madhurika Jeremiah	Domco Products Texas Inc.
Kelley Jasons	Angela Caliendo	Forenta LP
McCarter & English	Amanda M. Munsie	Johnson & Johnson; Johnson & Johnson Consumer
McElroy Deutsch	Joseph D. Rasnek	Pfizer; PPG Architectural Finishes
McGivney Kluger	Joel Clark	Whittaker Clark & Daniels
McGivney Kluger	Thomas McNulty	Homasote; DAP
McGivney Kluger	Jeffrey Kluger	Ace Hardware; Graybar
O'Toole Scrivo	Gary Van Lieu	Vanderbilt Minerals
Rawle & Henderson	Joshua Lichtenstein	American Biltrite; Cyprus Amax Minerals
Reilly McDevitt	Karen Conte	Benjamin Moore
Rivkin Radler	Brian R. Ade	Helen of Troy, Ltd.
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.

IT IS on this 25<sup>th</sup> day of March, 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.

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**

August 30, 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.

August 30, 2019 Depositions of corporate representatives shall be completed by this date.

## **EARLY SETTLEMENT**

February 28, 2020 Settlement demands shall be served on all counsel and the Special Master by this date.

## **MEDICAL EXPERT REPORT**

October 4, 2019 Plaintiff shall serve medical expert reports by this date.

October 4, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

December 6, 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**

October 4, 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.

December 6, 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**

October 4, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

January 17, 2020 Summary judgment motions shall be filed no later than this date.

February 14, 2020 Last return date for summary judgment motions.

## **ECONOMIST EXPERT REPORTS**

October 4, 2019 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.

December 6, 2019 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**

March 30, 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**

September 19, 2019                      The settlement conference previously scheduled on this date is **cancelled**.

March 20, 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. 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.

April 27, 2020                              Trial Date. (*The October 28, 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