

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

Docket No: L-4234-16 (AS)

Civil Action

CASE MANAGEMENT ORDER II

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 February 22, 2018:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Chris Hersom	Plaintiff(s)
Caruso Smith	Alexandra Caruso	CertainTeed; Union Carbide
Christie & Young	George S. Bobnak	HB Fuller Co.
DLA Piper	Stephen Barrett	BASF Catalysts LLC
Drinker Biddle	Christine Lozier	Johnson & Johnson; Johnson & Johnson Consumer
Gibbons PC	Robert Brown	The Sherwin Williams Co.
Goldberg Segalla	H. Lockwood Miller	Procter & Gamble
Goldfein & Joseph	Willard Preston	Domco Products Texas Inc.
Gordon & Rees LLP	Eric Evans	Conwed
Hawkins Parnell	Edward P. Abbot	Revlon
Hoagland Longo	Jason R. Gosnell	Whittaker Clark & Daniels
Kelley Jasons	Angela Caliendo	Foreta, LP
Lewis Brisbois	Troy Cunningham	Rio Tinto Ltd.; Rio Tinto Minerals, Inc.
Lowenstein Sandler LLP	Noami Barrowclough	Unilever United States
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Benjamin Moore; PPG Architectural Finishes
McGivney Kluger	Thomas McNulty	Homoste; DAP; Ace Hardware; Graybar
O'Toole Scrivo	Elias Arroyo	RT Vanderbilt; Pellerin Milnor
Rawle & Henderson	Paul Smyth	American Biltrite; Cyprus Amax Minerals; Imerys Talc America
Rivkin Radler	Brian R. Ade	Helen of Troy, Ltd.
Vasios Kelly	Thomas J. Kelly, Jr.	Bird, Inc.

IT IS on this 26th day of February, 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.

DISCOVERY

May 31, 2018 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.

June 29, 2018 Depositions of corporate representatives shall be completed by this date.

EARLY SETTLEMENT

September 21, 2018 Settlement demands shall be served on all counsel and the Special Master by this date.

SUMMARY JUDGMENT MOTION PRACTICE

August 3, 2018 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

August 17, 2018 Summary judgment motions shall be filed no later than this date.

September 14, 2018 Last return date for summary judgment motions.

MEDICAL DEFENSE

July 31, 2018 Plaintiff shall serve medical expert reports by this date.

July 31, 2018 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

October 31, 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

July 31, 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.

October 31, 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

July 31, 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.

October 31, 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

November 30, 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

December 11, 2018 @ 1:30pm 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.

January 14, 2019 Trial Date. *(The September 10, 2018 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: counsel:

Tanenbaum Keale *for Westinghouse*

cc: Clerk, Mass Tort