

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

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

**Civil Action**

**CASE MANAGEMENT ORDER IV**

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 October 25, 2018:

FIRM	ATTORNEY	CLIENT
Lanier Law Firm	Chris Hersom	Plaintiff(s)
Caruso Smith	Ronald Suss	CertainTeed
DLA Piper	Stephen Barrett	BASF Catalysts LLC
Gibbons PC	Phil Crawford	Sherwin-Williams Co.
Goldberg Segalla	H. Lockwood Miller	Procter & Gamble
Goldfein & Joseph	Madhurika Jeremiah	Domco Products Texas Inc.
Gordon Rees	Catherine Bentivegna	Conwed
Hoagland Longo	Ibrahim Kosoko	Whittaker Clark & Daniels
Kelley Jasons	John Martin	Forenta LP
McCarter & English	Amanda Munsie	Johnson & Johnson; Johnson & Johnson Consumer
McElroy Deutsch	Joseph D. Rasnek	Pfizer; Benjamin Moore; PPG Architectural Finishes
McGivney Kluger	Trish Wilson	Homasote; DAP
McGivney Kluger	Christopher M. Longo	Ace Hardware; Graybar
O'Toole Scrivo	Gary Van Lieu	Vanderbilt Minerals
Rawle & Henderson	Samuel Garson	American Biltrite; Cyprus Amax Minerals; Imerys Talc America
Rivkin Radler	Brian R. Ade	Helen of Troy, Ltd.
Tanenbaum Keale	Arshia Hourizadeh	CBS Corporation
Vasios Kelly	Brooke Anderson	Bird, Inc.

IT IS on this 1<sup>st</sup> day of **November, 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**

February 28, 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.

February 28, 2019 Depositions of corporate representatives shall be completed by this date.

### **EARLY SETTLEMENT**

June 7, 2019 Settlement demands shall be served on all counsel and the Special Master by this date.

### **SUMMARY JUDGMENT MOTION PRACTICE**

April 12, 2019 Plaintiff's counsel shall advise, in writing, of intent not to oppose motions by this date.

April 26, 2019 Summary judgment motions shall be filed no later than this date.

May 24, 2019 Last return date for summary judgment motions.

### **MEDICAL DEFENSE**

March 29, 2019 Plaintiff shall serve medical expert reports by this date.

March 29, 2019 Upon request by defense counsel, plaintiff is to arrange for the transfer of pathology specimens and x-rays, if any, by this date.

August 30, 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**

March 29, 2019 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.

August 30, 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.

### **ECONOMIST EXPERT REPORTS**

March 29, 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.

August 30, 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**

September 30, 2019 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 @ 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.

October 28, 2019 Trial Date. (*The June 24, 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