

## Joel Clark & Jeffrey Kluger to Speak at HarrisMartin's New Jersey Asbestos Litigation Conference

We are pleased to announce that **McGivney & Kluger, P.C.** Partners, Joel Clark & Jeffrey Kluger will be speaking at HarrisMartin's NJ Asbestos Litigation Conferences' on February 21, 2014. This conference will be held at the Hyatt Regency Hotel in New Brunswick, NJ.

Joel will be on the Q&A Panel during the Pretrial Practice in Middlesex County portion of the agenda which is scheduled to take place at 1:30 PM EST. Jeff will be discussing What Every Plaintiff Lawyer Should Know About the Problems Encountered by Defense Counsel in Settlement, which is scheduled to take place at 4:15 PM EST. You won't want to miss them!

### CONFERENCE AGENDA TOPICS

- Review of Motion Decisions of Judge Leblon and the New Jersey Appellate Division and Supreme Court
- Update on New Claims Based on Non-Traditional Exposures
- Lung Cancer Claims
- Question and Answer Panel on Pretrial Practice in Middlesex County
- Update on Bankruptcy Issues Affecting Mass Tort Litigation
- Ethics in Mass Tort Litigation
- What Every Plaintiff Lawyer Should Know About the Problems Encountered by Defense Counsel in Settlement

### REGISTRATION

- Individual Registration - \$795.00
- Additional Registrations (Same Firm) - \$695.00
- Register Online at [www.harrismartin.com](http://www.harrismartin.com), or call us toll-free at (800) 496-4319

### EMPLOYEE SPOTLIGHT

**Name:** Wendy R. Kagan  
**Title:** Of Counsel  
**Office:** Florham Park, NJ

Ms. Kagan has extensive experience defending Fortune 500 and smaller family owned corporate clients in asbestos related actions and practices in the firm's Asbestos Unit. She is involved in all facets of the litigation, working closely with her clients on high value matters obtaining favorable results including building defenses to minimize financial exposure.



On a more personal note, Ms. Kagan, loves all things Disney, she would like to meet Hillary Clinton someday, and she enjoys being with her family during her free time.

Read Wendy R. Kagan's Full Bio on our website: [www.mcgivneyandkluger.com](http://www.mcgivneyandkluger.com)

## **New York City Asbestos Litigation (NYCAL)**

*Kerryann M. Cook, Esq.*

As of late, there have been a number of New York City Asbestos Litigation ("NYCAL") related cases wherein defendants have been denied summary judgment in cases involving defendants whom have claimed to have not manufactured the type of product identified by plaintiff. As an example, in *Cantolino v. A.O. Smith, et al* (Index No. 190211/12), defendant Baxter Healthcare ("Scientific Products") moved for summary judgment based upon several grounds, one being it did not manufacture many of the products identified by plaintiff. In support of this contention, Scientific Products submitted the affidavit of a corporate representative who had reviewed the company's catalogs. The court, however, noted that defendant did not submit any of the documents upon which the affiant based his statements. Notably, in a footnote, the court stated "As this court has held many times, unsupported and uncross-examined statements by a corporate representative are generally insufficient to form the basis of a summary judgment motion." See *Zuckerman v. City of NY*, 49 NY2d 557 (1980), *Republic Nat. Bank of NY v. Luis Winston, Inc.*, 107 AD2d 581 (1<sup>st</sup> Dep't 1985).

VISIT INDUSTRY NEWS ON OUR WEBSITE FOR FULL ARTICLE