

IN RE: NUVARING LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

BERGEN COUNTY

Docket No.: BER-L-3081-09

CIVIL ACTION

FILED

MAY 21 2013

BRIAN R. MARTINOTTI, J.S.C.

CASE MANAGEMENT ORDER #27

All previous Orders remain in full force and effect except as modified by this Order.

THIS MATTER having come before the Court for a telephonic Case Management Conference pursuant to the Court's Order, and the Court having reviewed the submissions by Defendants, the following Case Management Order is entered:

I. ORDERS ENTERED SINCE CMO #26

1. Summary Judgment Order and Opinion, dated April 18, 2013
2. Order, dated April 29, 2013, denying Plaintiffs' request to stay litigation pending appeal
3. Summary Judgment re. Punitive Damages, dated May 3, 2013
4. Amended Discovery Plan for Group II Trial Selected Cases, dated May 13, 2013

II. KEMP MOTIONS

The six *Kemp* motions, which were fully briefed by December 14, 2012, were rendered moot by the summary judgment decision, as stated on the record on April 29, 2013.

II. SUMMARY JUDGMENT MOTIONS

Defendants' summary judgment motion was decided on April 18, 2013. Defendants' punitive damages motion was decided on May 3, 2013.

Plaintiffs have filed motions for reconsideration in the Bozicev and Wilson-Johnson cases. Oppositions are due by May 29, 2013; replies are due by June 6, 2013. Oral argument to be set by the Court.

IV. CASE MANAGEMENT

1. Discovery in Group II Cases

- a. An proposed order was submitted and amended by the parties regarding expert discovery deadlines and entered by the Court on May 13, 2013. There has not been full compliance in Grayned (BER-L-2716-09) and Hendrick (BER-L-2772-09), and Plaintiffs request for an additional seven (7) days to comply with the Amended Discovery Plan is GRANTED. Failure to provide the information as set forth above will result in a dismissal.
- b. Hebner (BER-L-9518-10) – Plaintiff filed a Sales Representative Discovery motion on April 3, 2013, which has since been fully briefed. Oral argument is scheduled for June 19, 2013 at 10:30am.

2. Statute of Limitations Cases

- a. Deadline for the completion of all fact discovery is July 1, 2013, however Defendants are not precluded from taking additional fact witness depositions at a later time if the cases survive a motion to dismiss based on the statute of limitations.

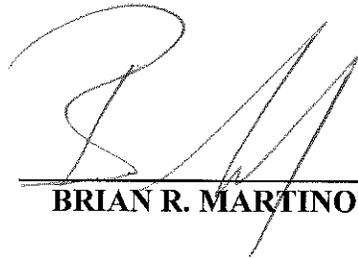
- b. McCollough (BER-L-2864-09) – Parties shall meet and confer to set a date for June 2013 for the deposition of Plaintiff.
- c. Fernandez (BER-L-267-11) – Deposition of the Plaintiff has been scheduled for June 26, 2013.
- d. Rowe (BER-L-2828-09); Talley (BER-L-10363-09); DiPonziano (BER-L-592-10) – Defendants’ motions to dismiss are due by May 29, 2013. Upon receipt, the Court will review and set a briefing schedule.

3. Court Filings:

- a. Counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to Email liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition you must confirm you appearance, immediately following the proceeding. Absent the above, counsel’s appearance will not be noted.
- b. Parties need only submit one hard copy of motions for filing. Although courtesy copies to chambers are not necessary, and electronic copies are welcome, but not required, the Court requests that counsel notify the chambers directly of any filed motions. If parties would like a filed copy returned to their office, please send a copy of the motion to be stamped, or alternatively, send the first page of the motion to be stamped.

4. The next Case Management Conference shall be held on June 19, 2013, at 10:30 a.m.

5. A copy of this Order to be served upon all parties and posted on the Court's website.

A handwritten signature in black ink, appearing to read 'B. R. Martinotti', is written above a horizontal line.

BRIAN R. MARTINOTTI, J.S.C.