

IN RE: NUVARING LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

BERGEN COUNTY

Docket No.: BER-L-3081-09

CIVIL ACTION

**CASE MANAGEMENT ORDER**

**#11**

**FILED**

**APR 14 2011**

**BRIAN R. MARTINOTTI  
J.S.C.**

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

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

**I. Compliance with CMO #10**

1. Redaction/Document Demand Motions:

Filed: April 12, 2011

Response: May 6, 2011

Reply: May 20, 2011

Return date: To be set at next Case Management Conference.

2. *Ellen Geisel* – moot – issue resolved.

**II. As to Case Management**

1. All outstanding authorizations in “Non-Selected” cases attached as “Exhibit F” to Ms. Geist’s proposed agenda shall be provided by April 30, 2011. If these authorizations are not

provided then counsel may move, at the next Case Management Conference, to dismiss the Complaints.

2. *Winterhalter*: [Counsel has advised the Court that Ms. Winterhalter has contacted him and wishes to proceed self represented]. All outstanding discovery shall be provided by Ms. Winterhalter by May 14, 2011. Defense counsel shall forward the copy of this Order highlighting this paragraph to Ms. Winterhalter. Should the discovery not be received as set forth above, then, in that event, the Complaint may be dismissed without prejudice.

3. *Wilson-Johnson* – Mr. Berman of Napoli Bern shall provide a corrected Bankruptcy Order by April 29, 2011. In the event that counsel is unable to provide the appropriate bankruptcy order by April 29, then Defendants will be entitled to substitute another case for Wilson Johnson at that time.

4. Defendants shall advise Plaintiffs as to the status of the three witnesses referenced at the Mulders/Rekers deposition as well as Plaintiff's request for 30(b)6 witnesses on or before April 25, 2011. If there are any issues regarding this matter, the Court will conduct a telephone conference to address same.

5. Counsel shall continue to meet and confer regarding "Privilege Logs". Defendants agreed to review Judge Martinotti's decision as to the documents deemed not privileged to see if that applies to other documents withheld or redacted by Defendants for privilege.

6. Plaintiffs counsel may move to compel the production of witnesses knowledgeable in "Document Retention/Litigation Hold" issues. This motion shall be filed by April 20, 2011. Response shall be filed by May 6, 2011 and Reply by May 20, 2011.

7. Trial Selected Cases – discovery (Order attached). [The Court notes that a companion Order will be entered by Judge Sippel in the MDL litigation.]

**-FURTHER ORDERED,**

1. A Case Management Conference shall be held on May 18, 2011 at 10:30 a.m. [A proposed agenda shall be filed one week prior/all motions to be heard]
2. A copy of this Order to be served upon all parties and posted on the Court's web site.



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**BRIAN R. MARTINOTTI, J.S.C.**