

IN RE: NUVARING LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

BERGEN COUNTY

Docket No.: BER-L-3081-09

CIVIL ACTION

CASE MANAGEMENT ORDER

#7

FILED
AUG 11 2010
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 of June 23, 2010, [the Court having reviewed the submissions by Plaintiffs and Defendants, the following Case Management Order is entered:

I. Compliance with CMO #6 (6/23/2010)

1. The Court has received and is reviewing documents produced under seal as they relate to claims of privilege regarding the depositions of Drs. Rekers and Mulders.
2. The issue of 30 (b) (6) depositions will be addressed by Judge Sippel.

II. As to Case Management

3. Defendants' motion to dismiss *McCrary BER-L-5673-09*, with prejudice, is granted [McCrary-1, proof of service was marked into evidence].
4. The following motion/briefing schedule is hereby entered in *Millian v. Organon, BER-L-2848-09* (motion for partial summary judgment):

Motion to be filed by September 13, 2010

Response to be filed by October 15, 2010

Reply to be filed by November 5, 2010

Return date: To be set by the Court

5. The deposition of *Iannone* shall proceed on August 13, 2010 without prejudice to issues of redaction. Counsel shall file a motion addressing these issues by September 30, 2010.

The Court will address the dates for a response to this motion at a subsequent conference.

6. All outstanding *Stempler* authorizations to be provided by August 24, 2010.

7. Depositions of fact witnesses in *Marino* to be noticed by way of subpoena; plaintiff to submit tax returns to the Court for an in camera review by August 31, 2010.

8. Counsel to advise, and if possible provide authorizations in “Non-Group I” cases, Exhibit A, to defendants agenda letter within thirty (30) days.

9. Defendant to provide privilege and redaction logs contemporaneously with production.

10. Counsel to meet and confer to address “bate stamp” issue regarding un-privileged/un-redacted documentation and expansion of document disclosure within thirty (30) days.

11. Counsel to meet and confer and establish dates for depositions for out of state witnesses within fourteen (14) days. Defense counsel shall prepare the appropriate commission and subpoena and serve same on those witnesses. Should the witness be unavailable or disregard the subpoena, counsel shall discuss alternative dates. This issue will be addressed in a subsequent case management conference. This shall not affect any MDL matter.

12. Deposition protocol for sales representatives in Bozicev and Mariconda (and any other similarly situated plaintiffs) shall be fourteen (14) hours, on two consecutive days, to be allocated by and between plaintiffs' counsel.

-Further ordered,

1. A Case Management Conference shall be held on **September 30, 2010** 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.



BRIAN R. MARTINOTTI, J.S.C.