

IN RE: NUVARING LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

BERGEN COUNTY

Docket No.: BER-L-3081-09

CIVIL ACTION

CASE MANAGEMENT ORDER

#10

FILED

MAR 11 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 #9

1. Decision in *Millian v. Organon*, BER-L-2848-09 is reserved.
2. The Court will e-mail the synopsis of the privilege review to defense counsel on or before March 16, 2011. Defense counsel to respond to the Court's e-mail by March 23, 2011. [Counsel shall also be prepared to address the logistics and impact of the Court's decision] If counsel shall so request, the Court will entertain a phone conference on March 25, 2011 at 8:45 a.m.
3. *Winterhalter v. Organon*, BER-L-8509-09, Plaintiff shall provide all outstanding discovery to Defendant within thirty (30) days. Failure to do same will result in a

dismissal without prejudice. [Counsel shall prepare an Order reflecting this decision which shall be served on Plaintiff.]

4. *Wilson-Johnson v. Orgnanon*, BER-L-596-10, is hereby substituted as a Bellweather trial. [Plaintiff is in bankruptcy, there was a pending request to designate counsel to proceed on her behalf. Should the Bankruptcy Court not render a decision by April 11, 2011 then defense counsel may select a replacement.].

II. As to Case Management

1. Redaction Issue. [The Court has reviewed the December 22, 2010 letter from Plaintiff and January 25, 2011 letter from defendant regarding this issue. The Court has also spoken to Judge Sippel. All pleadings set forth below shall be filed simultaneously with Judge Sippel.] and “Sales Representative” discovery.

- Motion to be filed by April 11, 2011
- Response: To be set at next Case Management Conference
- Reply to be set by the Court
- Argument to be scheduled by the Court.

2. Ellen Geisel: Counsel is granted leave to file a motion addressing a deposition issue which has arisen. This motion shall be filed by March 25, 2011. Response/Opposition to be filed by April 5, 2011. Reply by April 12, 2011. The Court will decide whether argument is necessary.

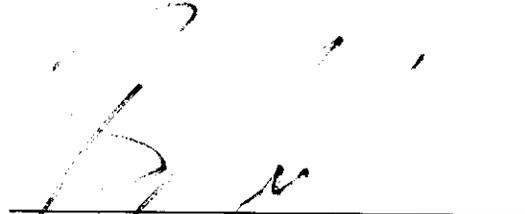
3. Defense counsel shall review all requests set forth on Exhibit B of the submitted agenda for accuracy within seven (7) days and serve same on all Plaintiffs. Plaintiffs shall,

within two weeks of service, either provide completed authorizations or state the reason why authorizations were not provided and, if necessary, request an extension.

4. Counsel to meet and confer regarding Group 1 Selected cases regarding expert discovery and trial selection, and submit a proposed schedule prior to the next Case Management Conference. [There are ten Bellweather cases in New Jersey and twenty-five in the MDL]

-FURTHER ORDERED,

1. A Case Management Conference shall be held on April 14, 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.



BRIAN R. MARTINOTTI, J.S.C.