IN RE: PELVIC MESH/GYNECARE LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291
MASTER DOCKET NO.: BER-L-11575-14

FILED
JUL 23 2015
BRIAN R. MARTINOTTI
J.S.C.

CIVIL ACTION

CASE MANAGEMENT ORDER #18

All prior orders remain in full force and effect except as modified by this Order.

THIS MATTER having been reassigned to the Bergen County Vicinage, from Atlantic County, pursuant to the Supreme Court's Order of October 31, 2014; the Court having conducted a Case Management Conference; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 23rd day of July 2015, **ORDERED** as follows:

PART I

ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

1. CMO No. 16 entered 6/11/2015
2. Order to Dismiss for Failure to Provide PFS, entered 6/26/2015
3. Orders (31) reinstating Williams Cuker Berezofsky firm Complaints previously dismissed for failure to provide PFS, entered 6/26/2015
4. Wicker: Order entered 7/14/2015 regarding pretrial discovery issues.
5. CMO 17 entered on 6/29/15 extending the discovery end date to 12/31/15 for cases in the Gynecare litigation where discovery has expired.

PART II

COMPLIANCE WITH PRIOR ORDERS

1. Case Management Order No. 16 entered June 11, 2015.
    a. Wicker discovery hearings were held on July 14, 2015.
    b. Cantrell discovery hearing issues scheduled for July 14, 2015 were adjourned.
    c. Liaison Counsel has met, and continues to meet and confer regarding scheduling orders.
    d. Wicker pretrial motion hearings remain scheduled for August 18, 2015.
2. Order to Dismiss for Failure to Provide PFS, entered 6/26/2015
    a. No action required.
3. Orders (31) reinstating Williams Cuker Berezofsky firm Complaints previously dismissed for failure to provide PFS, entered 6/26/2015.
    a. No action required.
4. Wicker: Order entered 7/14/2015 regarding pretrial discovery issues.
    a. Parties are in the process of implementing rulings.

PART III

CASE MANAGEMENT

1. Prolift Core Discovery Cases – Wicker Matter.
    a. Wicker discovery hearings were held on July 14, 2015, resulting in an order with the same date.
    b. Wicker pretrial motion hearings remain scheduled for August 18, 2015.
    c. Wicker trial remains scheduled for September 28, 2015.

2. TVT Retropubic Core Discovery Cases

    a. Tentative trial setting remains scheduled for January 11, 2015.

    b. Liaison counsel has met and conferred and will submit to the Court proposed scheduling order for the completion of case management and pretrial matters.

    c. Cantrell discovery hearing issues scheduled for July 14, 2015, was adjourned. The Court granted Plaintiffs' request to review disputed documents *in camera*. After review, the Court has conferred with Counsel. The issue has been resolved. Documents have been returned to Counsel.

3. TVT Secur Core Discovery Cases

    a. Liaison counsel continue to meet and confer regarding ongoing scheduling issues. No trial setting has yet been made for this set of cases.

4. TVT-O Core Discovery

    a. Liaison counsel continue to meet and confer regarding ongoing scheduling issues. No trial setting has yet been made for this set of cases.

    b. Bednarz (Docket No. BER-L-3806-15). Defendant Dr. Scian's request that this matter be removed as a bellwether is denied without prejudice. All discovery from the medical malpractice matter shall be produced within 45 days. The issue may be revisited as the case progresses.

    c. Velazquez (Docket No. BER-L-10304-14). Counsel shall meet and confer with plaintiff's counsel regarding the status of the bankruptcy matter.

5. Miscellaneous Issues:

    a. Defendants were served with a large volume of cases by the Aylstock firm and will meet and confer regarding need for stipulation and order for staggering

responsive pleadings and DFS responses consistent with prior case management orders and similar stipulations.

b. Defense counsel is permitted to file a Motion to Dismiss with prejudice all matters that had previously been dismissed in Atlantic County without prejudice. This motion shall be filed in Atlantic County. [These cases are not before this Court in Bergen County.]

PART IV

GENERAL:

1. The next Case Management Conference is scheduled for August 19, 2015 at 12:00pm. Liaison Counsel shall report at 10:45am. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.
3. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.
4. Subject to agreement by and between counsel and with permission from the Court, counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to e-mail 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.

5. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.
6. Counsel is permitted to serve one motion with a schedule of attached cases for *pro hac* admission. However, a separate order per case/docket number and filing fees is required.
7. The Court directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.
8. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Kelly Gibson at Kelly.Gibson@judiciary.state.nj.us and Yeon Ji Lee at Yeon-Ji.Lee@judiciary.state.nj.us.
10. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.
11. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.

12. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.

13. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.

BRIAN R. MARTINOTTI, J.S.C.