

JUL 16 2020

RACHELLE L. HARZ
J.S.C.

IN RE ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 634

MASTER DOCKET NO. BER-L-_____

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

CASE MANAGEMENT ORDER # 1

THIS MATTER having been assigned to the Honorable Rachelle L. Harz, J.S.C., pursuant to the Supreme Court's Order of May 5, 2020, designating this matter for Multicounty Litigation ("MCL") status, and the Court having received a proposed agenda from counsel for the parties, and having conducted an initial Case Management Conference on July 7, 2020 (via Zoom), and having continued that initial Case Management Conference on July 14, 2020 (also via Zoom), and for the reasons set forth on the record and good cause shown,

IT IS on this 16th day of July, 2020, **ORDERED**:

I. COORDINATION WITH THE MULTIDISTRICT LITIGATION

- a. The Court has been in contact with District Judge Martinotti and Magistrate Judge Dickson regarding the status of the related MDL proceeding in the District of New Jersey in furtherance of the goal of federal/state coordination.
- b. The Court will conduct a joint hearing with Magistrate Judge Dickson on July 23, 2020 at 11 a.m. eastern via Zoom conference to discuss the parties' submissions relating to an ESI protocol, to discuss discovery generally, and to discuss Defendants' motion pending in the MDL regarding anonymous pleadings.

- c. The Protective Order entered in the MDL shall also be entered in this litigation. This is being entered in the interest of federal/state coordination, and the Court has not ruled on each disputed issue.
- d. Plaintiffs will file their Master Complaint within 30 days of entry of this Order.

II. CASE MANAGEMENT

Prior to the next Case Management Conference, the parties are directed to meet and confer on the following issues:

- a. Service of Process CMO;
- b. Proper Party CMO;
- c. Discovery of Digital Information Including Computer-Based Information and Electronically Stored Information
- d. Plaintiffs' Short Form Complaint
- e. Science Day (in coordination with the MDL)
- f. Plaintiff and Defendants Fact Sheets; and
- g. Common Benefit Fund and Procedure.

III. CASE MANAGEMENT CONFERENCES

- a. The Court will conduct the next Case Management Conference on **August 18, 2020** at 10:30 o'clock AM eastern via Zoom conference. All plaintiffs' counsel shall provide their contact information to Adam Slater, Esq. at ASlater@mazieslater.com and all defense counsel shall provide their contact information to Melissa A. Geist, Esq. at MGeist@ReedSmith.com.

- b. Counsel shall submit an agenda for the Case Management Conference seven (7) days prior to the Case Management Conference. Same shall be submitted by email to Jennifer Cacchioli at Jennifer.Cacchioli@njcourts.gov.
- c. The court will conduct conferences, anticipated to be held every 45 to 60 days, and in addition the parties may request status, scheduling, and case management conferences to discuss the progress regarding relevant issues. Reasonable notice of all such conferences will be provided to all counsel of record.

IV. LIAISON COUNSEL

- a. There are matters common among all plaintiffs and all defendants that require the coordinated efforts of counsel, including discovery, communications with the Court, and motion practice, and the appointment of liaison counsel will aid in these efforts. Liaison counsel shall, for example: (1) serve as the primary contact for communications between the Court and other counsel; (2) ensure that all notices, orders and material communications are properly distributed (to the extent they are not otherwise served on all counsel); (3) convene meetings of counsel as determined to be necessary; and (4) otherwise assist in the coordinate or activities and positions of the parties in this litigation.
- b. In its Initial CMO, dated June 19, 2020, the Court indicated its intent to appoint Adam M. Slater, Esq. of Mazie Slater Katz & Freeman LLC as Plaintiffs' liaison counsel, and Melissa A. Geist, Esq. of Reed Smith LLP as Defendants' liaison counsel, and stated that it would entertain objections to those appointments through July 7, 2020. Having received no objections, the Court hereby confirms these appointments.
- c. Contact information for liaison counsel is as follows:

Plaintiffs' Liaison Counsel:

Adam M. Slater, Esq.
Mazie Slater Katz & Freeman, LLC
103 Eisenhower Pkwy
Roseland, New Jersey 07068
ASlater@mazieslater.com

Defendants' Liaison Counsel:

Melissa A. Geist, Esq.
Reed Smith LLP
506 Carnegie Center, Suite 300
Princeton, New Jersey 08540
MGeist@ReedSmith.com

V. INTERNET NOTICES

- a. All orders, notices, and other pertinent documents filed with the Court common to the entire litigation shall be available on the Judiciary Web Page for Multicounty Litigation Center, which may be accessed at www.judiciary.state.nj.us/mass-t01t/index.htm. It is incumbent upon all counsel to regularly review the MCL web page for all orders and updates.

VI. PLEADINGS

- a. All parties shall file individual actions on e-courts in accordance with the Court's Initial CMO, dated June 19, 2020. Upon receipt of an electronically filed Complaint, wherein the data entered by Plaintiff's Counsel does not accurately reflect the physical pleading, the Clerk is granted the authority to update the data in the Judiciary's Automated Case Management System (ACMS) to accurately reflect the data on the physical pleading, absent a subsequent court order. The parties have consented to this provision.

VII. CONTACT WITH THE COURT

- a. Counsel may correspond to the court via email:
 - a. Jennifer.Cacchioli@njcourts.gov – Judge Harz's Law Clerk
 - b. Jamie.Colaneri@njcourts.gov – Judge Harz's Team Leader

Dated: July 16th, 2020


HON. RACHELLE L. HARZ, J.S.C.

RACHELLE L. HARZ, J.S.C.