

**IN RE: ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

**MCL No. 634
Master Dkt. No.: BER-L-5064-20**

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

**THIS DOCUMENT RELATES TO:
ALL CASES**

CASE MANAGEMENT ORDER # 6

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 conducted a Case Management Conference on May 21, 2021, and for the reasons set forth on the record, and for other good cause shown;

IT IS on this 3 day of June, 2021, **ORDERED:**

I. COORDINATION WITH THE MULTIDISTRICT LITIGATION

- a. The Court continues to be in contact with District Judge Martinotti and Special Master Dickson regarding the status of the related MDL proceeding in the District of New Jersey in furtherance of the goal of federal/state coordination, with the understanding that these are separate litigations.

II. CASE MANAGEMENT

- a. The next case management conference is scheduled for June 4, 2021 at 11:30 am, via zoom. The parties are to meet and confer in advance of the conference and submit a Joint Agenda

to the Court no later than June 2, 2021. To the extent there are disputed issues to be addressed with the Court, the Joint Agenda may include the parties' respective positions as to any issue.

- b. On May 21, 2021, Plaintiffs served their First Supplemental Request for Production. Defendants shall serve their objections by June 11, 2021, and their responses by June 25, 2021 in accordance with Rule 4:18-1. The parties shall be prepared to discuss when Defendants shall begin the rolling production of responsive documents, at the June 4, 2021 conference.
- c. No later than May 26, 2021, Defendants shall serve an initial proposed schedule for the production of documents and information responsive to Plaintiffs' Request for Production. Plaintiffs may reply and request modifications, and the parties shall meet and confer. Any remaining disputes shall be submitted to the Court in the parties' Joint Agenda filed in advance of the next case management conference.
- d. Counsel shall continue to meet and confer in an effort to define the scope of the corporate representative deposition noticed by Plaintiffs' counsel, based on Defendants' written response to MDL Plaintiffs' list of written questions, which response shall be provided to Plaintiffs during the week of June 14, 2021. Following the meet and confer process, Defendants shall produce their corporate representative(s) in response to Plaintiffs' corporate representative deposition notice with regard to ESI, served in 2020, no later than July 30, 2021 and such deposition(s) shall be coordinated with the MDL. Counsel may agree to extend the July 30, 2021 deadline into August, 2021 as may be necessary due to scheduling issues.

- e. The parties shall continue to meet and confer about relevant custodians and related information. If the meet and confer process is unsuccessful, this issue shall be included in the agenda for the June 4, 2021 conference.
- f. The deadline for either party to file a motion for reconsideration/clarification with regard to the Court's May 4, 2021 Order and Opinion addressing Defendants' motion to dismiss, is hereby stayed and held in abeyance pending further order of the Court. The parties may informally seek clarification of the Order and Opinion as needed in the interim.

III. 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.

IV. E-FILING

- 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 what is listed on the physical pleading absent a subsequent court order. All parties have consented to this provision.

V. CONTACT WITH THE COURT

a. Counsel may correspond to the court via email:

i. Antonious.Sadek@njcourts.gov – Judge Harz’s Law Clerk

ii. Jamie.Colaneri@njcourts.gov – Judge Harz’s Team Leader



Hon. Rachelle L. Harz, J.S.C.