

FILED

SEP 23 2021

RACHELLE L. HARZ
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE: ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION

Case No.: 634
Master Docket No.: BER-L-5064-20
JUDGE RACHELLE L. HARZ

THIS DOCUMENT RELATES TO: ALL CASES

CASE MANAGEMENT ORDER # 8
(Defendants' Answer to Plaintiffs' Master Long Form Complaint)

The Court finds the Parties have conferred regarding a Case Management Order addressing Defendants' Answer ("Master Answer") to Plaintiffs' Master Long Form Complaint [MCL No. 634, filed 8/31/20] ("Master Complaint"). The Parties having stipulated thereto, and for other good cause shown, it is **ORDERED** as follows:

I. GENERAL PROVISIONS

A. Scope of Order. This Order shall apply to all personal injury cases pending in MCL No. 634 and to all related personal injury cases that will be filed in or transferred to MCL No. 634 (collectively, the "MCL proceedings"). This Order is binding on all parties and their counsel in all such cases.

B. Purpose of Order. In light of the number of cases filed to date and likely to be filed in the future in these MCL proceedings, the Parties have agreed to the procedures set forth below regarding Defendants' Master Answer. This Order is not intended to alter the applicable provisions of the New Jersey Court Rules, except as otherwise provided below or in any subsequent Case Management Order.

II. MASTER ANSWER

A. Deadline for Filing Master Answer. Within 21 (twenty-one) days of the entry of this Order, Defendants shall file their Master Answer.

B. Impact of Master Answer. Upon its filing, the Master Answer shall be deemed to have been filed in every current or future case associated with the MCL proceedings, with no further action required by Defendants. Thereafter, any Plaintiff who wishes to dismiss her or his case may do so within 35 days after filing of the Short Form Complaint without consent of Defendants and thereafter in accordance with the New Jersey Court Rules, including upon the filing of a stipulation as provided by New Jersey Court Rule 4:37-1(a) as applicable, and Defendants confirm that they do not intend to object to such dismissals in the ordinary course, and consent to such stipulation shall not be unreasonably withheld by Defendants, or upon Court Order as provided by New Jersey Court Rule 4:37-1(b). The Parties agree that the filing of the Master Answer will serve as Defendants' responses to the Short Form Complaints and all affirmative defenses pled in the Master Answer are explicitly incorporated in response to any Short Form Complaint. To the extent that any Short Form Complaint contains allegations different from or in addition to the allegations in the Master Complaint, the Master Answer shall be deemed to deny all such allegations. To the extent that any Short Form Complaint contains allegations, causes of action, and/or parties different from those set forth in the Master Complaint, Defendants reserve their rights to file an amended answer at a time agreed upon by the parties or ordered by this Court. In addition, any Plaintiff who has filed a Short Form Complaint prior to entry of this Order and who wishes to amend same may do so within 35 days after service of the Master Answer by Defendants. Any Plaintiff who files a Short Form Complaint after the filing of the Master Answer

and who wishes to amend same may do so within 35 days after serving it, without consent or leave of Court.

C. Procedure for Filing Master Answer. The Master Answer shall be filed via e-courts in each individual case pending in this MCL, together with the appropriate filing fee.

DATED:



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