FILED

JAN 29 2020

RACHELLE L. HARZ
J.S.C.

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

**CASE NO. 632**
**MASTER DOCKET**
**NO.: BER-L-_____-____**

**IN RE HEALTHPLUS SURGERY CENTER LITIGATION**

**CIVIL ACTION**
**CASE MANAGEMENT ORDER #1**

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

**This Matter** having been assigned to the Honorable Rachelle L. Harz, J.S.C., pursuant to the Supreme Court's Order of December 2, 2019, designating this matter for Multicounty Litigation Status ("MCL") as HealthPlus Surgery Center (hereinafter "HealthPlus") and the Court having received a proposed agenda, and having conducted an initial case management conference on January 29, 2020, and for good cause shown and the reasons set forth on the record,

**IT IS** on this 29th day of January 2020,

**ORDERED:**

## I. ORGANIZATION OF COUNSEL

Alan Roth, Esq., from Bendit Weinstock, represents over eighty plaintiffs. Sherri Breen, Esq., from the Law Offices of Rosemarie Arnold, Esq., represents two plaintiffs. Elizabeth Flack, Esq., from Lawrence H. Kleiner, LLC, represents one plaintiff. Appearing for all defendants, was Richard Williams, Esq., from McElroy Deutsch. Donald Barone, Esq., from Barone Mooney Newman, represents one defendant, Araiza,

in connection with an automobile accident that is relevant to one plaintiff represented by Rosemarie Arnold's office.

## II. COORDINATION WITH THE MULTIDISTRICT LITIGATION

Judge Harz is in the process of coordinating with Chief U.S. Magistrate Judge Mark Falk regarding future case management conferences and orders. Counsel advised that they will be seeking the appointment of a Special Master to coordinate discovery between the MDL and the MCL.

## III. ESSEX COUNTY LITIGATION

By this court's order filed January 15, 2020, and with the consent of all counsel, the certified class action for injunctive relief, Salcedo v. HealthPlus Surgery Center, LLC, Docket No. ESX-74-19, shall remain in Essex County and will not be a part of case no. 632 before this court.

## IV. MEDIATION

This court has been advised that mediation shall go forward on either February 27, March 17, or March 18, which includes eleven potential defendants and their carriers who have not yet been formally served in this litigation. This mediation seeks to have a global resolution of all state and federal cases.

## V. PROCEDURAL ISSUES PERTAIN TO CASE TYPE 632

The new discovery end date for all cases is December 31, 2020.

The parties stipulated on the record that there are no objections to the presently filed affidavits of merit, pertaining to the presently named defendants, and all such affidavits have been timely filed. This court is aware that there are additionally named medical providers for which affidavits of merit will be required, if in fact the proposed

amended complaint is filed, served, and answered. This court will conduct affidavit of merit conferences regarding same at the appropriate time.

The parties will meet and confer as to the uniform interrogatories that will be served by both sides and the court will address unresolved issues, if any.

Plaintiffs' counsel will provide to Mr. Williams the appropriate HIPAA authorizations for each plaintiff to obtain their HealthPlus chart.

Docket No. BER-L-1037-19 is removed from the Bergen County court-initiated mediation referral order, dated June 17, 2019. Counsel shall so advise Simeon H. Baum of Resolve Mediation Services Inc, 1211 Avenue of the Americas, 40th Floor, New York, NY 10036-8704.

## VI. CMC SCHEDULE

The next case management conference will be conducted on Tuesday, April 14, 2020 at 9:30 AM before this court, courtroom 359 located in the Rotunda at the Bergen County Courthouse. Counsel are requested to submit to the court a joint agenda three days prior to the conference as well as to submit either a joint or individual statement pertaining to the status of the litigation together with any information that they believe the court should be aware of prior to the conference.

All case management orders will be uploaded to the Judiciary MCL website.

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