

**IN RE
MIRENA IUD
PRODUCTS LIABILITY
LITIGATION**

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

CASE NO. 297

MASTER DOCKET NO.: BER-L-4098-13

CIVIL ACTION

**REPORT AND RECOMMENDATION TO
TERMINATE CENTRALIZED
MANAGEMENT AND REMOVE MASS
TORT DESIGNATION PURSUANT TO
DIRECTIVE #02-19 AND R. 4:38A**

TO: Honorable Glenn A. Grant, J.A.D., Acting Administrative Director,

On May 13, 2013, the New Jersey Supreme Court entered an order designating all pending and future New Jersey state court actions arising out of the use of the intrauterine device (“IUD”) contraceptive Mirena as a mass tort for centralized case management purposes (now multi-county litigation) and assigned these cases to the Honorable Brian R. Martinotti in the Bergen Vicinage. On July 22, 2016, the New Jersey Supreme Court entered an amended order assigning those same matters to the Honorable Rachelle L. Harz in the Bergen Vicinage.

Prior to centralization, sixty-eight (68) cases were filed throughout New Jersey as of March 6, 2013. Upon centralization, all cases were then transferred to Bergen County. There have been in excess of sixty-six (66) case management conferences, and approximately one thousand four hundred and fifty-nine (1,459) substantive and procedural motions since the transfer.

The following is a summary of significant events:

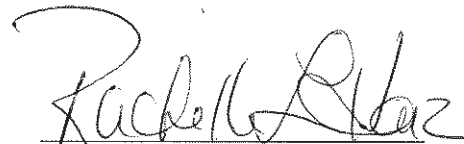
- **May 20, 2013:** Initial case management conference held;
- **August 23, 2013:** Plaintiff Fact Sheet (“PFS”), Authorizations, and Responsive Documents requirements were approved by Judge Martinotti;
- **February 25, 2014:** Order stipulating that Bayer HealthCare Pharmaceuticals Inc., Bayer OY, and Bayer Pharma AG are proper party-defendants;

- **February 2014 – March 2014:** Orders granting dismissal in twenty-seven (27) cases for failure to provide PFS;
- **April 11, 2014:** Order granting Core Criteria Categories for Plaintiff Fact Sheets with failure to comply subject to dismissal.
- **May 5, 2014:** Orders granting dismissal in nine (9) cases for failure to provide PFS;
- **May 21, 2014:** Order governing selection of cases for Initial Disposition Pool;
- **June 2014 – February 2015:** Orders granting dismissal in one hundred and seventy-two (172) cases for failure to provide PFS;
- **March 17, 2015:** Order governing the selection of cases to be added to the Initial Disposition Pool;
- **March 2015 – June 2015:** Orders granting dismissal in one hundred and forty-six (146) cases for failure to provide PFS;
- **July 21, 2015:** Order governing expert witness depositions;
- **July 30, 2015:** Parties selected the Second Disposition Pool cases;
- **August 2015 – December 2015:** Orders granting dismissal in one hundred and seventy-seven (177) cases for failure to provide PFS;
- **January 2016 – February 2016:** Orders granting dismissal in fifty-three (53) cases for failure to provide PFS;
- **February 10, 2016:** Orders granting summary judgment in four (4) cases;
- **February 12, 2016:** Pre-trial scheduling Order;
- **March 2016 – June 2017:** Orders granting dismissal in three hundred and eighty-four (384) cases for failure to provide PFS;
- **April 9, 2018:** Order appointing Special Master;
- **May 9, 2018:** Order granting dismissal with prejudice cases based upon statute of limitation;
- **June 1, 2018:** Order appointing lien resolution administrator and authorizing disclosure of Mirena claimants' protected health information;
- **August 31, 2018:** Order granting dismissal of claims for failure to appear and participate in the litigation;

- **October 4, 2018:** Order granting dismissal of claims for failure to appear and participate in the litigation;
- **January 24, 2019:** Order granting the Mirena Settlement's Master Settlement Agreement between Plaintiffs and Defendants;
- **October 2, 2019:** Order granting Qualified Settlement Fund;
- **October 11, 2019:** Order granting dismissal of remaining Plaintiffs who refused to agree to the settlement agreement and failed to submit expert reports;
- **December 17, 2019:** Order granting dismissal with prejudice as to Plaintiffs who entered into settlement agreement;
- **September 16, 2020:** Order granting dismissal with prejudice as to Plaintiffs who failed to submit Settlement Materials or who submitted deficient Settlement Materials.

There are currently no active cases, and with the unlikelihood that there will be future filings, I recommend that centralized management of *IN RE: MIRENA IUD PRODUCTS LIABILITY LITIGATION* be terminated.

Respectfully submitted,



Rachelle L. Harz, J.S.C.

Dated: January 21, 2021

cc: Hon. Bonnie J. Mizdol, A.J.S.C.
Hon. Robert L. Polifroni, P.J.Cv.
Laura Simoldoni, Trial Court Administrator
Kathleen Andes-Stylianou, Civil Division Manager
All Counsel on service list