

IN RE PELVIC MESH/BARD  
LITIGATION

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

: CASE NO. 292 CT

: Civil Action

**FILED**

FEB 07 2017

James J. DeLuca, J.S.C.

: BELLWETHER SCHEDULING ORDER,  
: INCLUDING SCHEDULE FOR NEXT  
: BELLWETHER SELECTIONS, CASE-  
: SPECIFIC DISCOVERY, AND PRE-TRIAL  
: DEADLINES

THIS MATTER having come before the Court after counsel met and conferred, and for good cause shown:

IT IS on this 7 day of February, 2017:

ORDERED that Bard shall select 3 potential bellwether cases by February 9, 2017 to replace the 3 bellwether cases Bard previously selected, which are expected to be dismissed with prejudice based upon representations by Plaintiffs' counsel. The cases expected to be dismissed are the following: *Shirley E. Reynolds v. C.R. Bard* (BER-L-18036-14); *Darlene L. Endres v. C.R. Bard* (BER-L-18035-14); and *Theresa Nuckols v. C.R. Bard* (BER-L-3194-16).

ORDERED that each of the 3 potential bellwether cases selected by Bard must involve plaintiffs represented by ~~more than one law firm~~ **three (3) SEPARATE AND DISTINCT LAW FIRMS**, and follow the criteria for case selection set forth in this Court's Bellwether Scheduling Order dated August 26, 2016.

ORDERED that, upon submitting the 3 replacement bellwether cases on February 9, 2017, (i) case specific discovery shall commence in connection with these 3 cases, and (ii) the parties will work cooperatively and in good faith to complete case specific discovery in connection with these cases by March 13, 2017.

ORDERED that Plaintiffs' Initial General and Case Specific Expert Reports, for the 3 replacement bellwether cases selected by Bard as part of the current bellwether trial pool be served on or before April 12, 2017.

ORDERED that Defendants' General and Case Specific Expert Reports for the 3 replacement bellwether cases selected by Bard as part of the current bellwether trial pool , be served on or before May 12, 2017.

ORDERED that supplemental expert reports addressing documents, information, and testimony obtained after the deadlines for the service of initial and rebuttal expert reports shall be served in compliance with R. 4:17-7.

ORDERED that Plaintiffs' Expert Depositions in the 3 replacement bellwether cases shall commence after May 12, 2017, or service of Defendant's expert reports, whichever is earlier, and be completed on or before June 26, 2017.

ORDERED that Defendants' Expert Depositions in the 3 replacement bellwether cases shall be completed on or before July 26, 2017;

ORDERED that, notwithstanding Bard's selection of 3 replacement bellwether cases, the 5 original cases in the bellwether pool shall follow the schedule set forth in this Court's Bellwether Scheduling Order dated August 26, 2016, with the exception of the filing of motions, *infra*.

ORDERED that all motions for all 8 bellwether cases (the 5 original cases, as well as the 3 replacement cases) shall be filed by August 25, 2017; responses shall be filed by September 12, 2017; and replies shall be filed by September 22, 2017.

ORDERED that affirmative deposition designations, objections and counter designations, and objections and counters to counter designations for all 8 bellwether cases (the 5 original cases as well as the 3 replacement cases) shall be served on a date to be set by the Court.

ORDERED that the Court shall schedule oral argument on the motions and any unresolved disputes over deposition designations on a date or dates to be set by the Court.

ORDERED that the next bellwether trial shall commence on a date to be set by the Court, now tentatively set for October 30, 2017 per the Court's Order entered on January 30, 2017.

  
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HONORABLE JAMES DELUCA, J.S.C.