
IN RE: PELVIC MESH/BARD
LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 292

MASTER DOCKET NO.: BER-L-17717-14

CIVIL ACTION

CASE MANAGEMENT ORDER #23

FILED

APR 13 2017

James J. DeLuca, J.S.C.

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

THIS MATTER having been reassigned to the Bergen County Vicinage, from Atlantic County, pursuant to the Supreme Court's Order of October 31, 2014; having conducted a CMC; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 13th day of April 2017, **ORDERED** as follows:

PART I

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

A. Case Management Order No. 22, February 28, 2017

PART II

II. COMPLIANCE WITH PRIOR ORDERS

A. Case Management Order No. 22

1. Bard submitted a letter dated March 13, 2017 to the Court, outlining its compliance with the January 30, 2017 Order. At the Court's request, the parties participated on a conference call on March 15, 2017 and resolved the issues with the assistance of the Court.
2. The parties agreed on a proposed joint stipulation as to the pathology protocol. On March 7, 2017, Bard sent a copy of the joint stipulation to Plaintiffs to be executed and returned to Bard for filing.

3. On March 13, 2017, Bard updated the Court that the parties are working together cooperatively in the three additional bellwether cases, but that the discovery end date will need to be extended by agreement. The parties will submit a proposed amended scheduling order as to these cases.
4. The parties have not met and conferred on the criteria for the next set of Bellwether cases as of submission of this agenda. The parties will endeavor to meet and confer and will provide an update to the Court at the next case management conference.

PART III

III. CASE MANAGEMENT

A. Status of Bard Cases

1. Report on Bard docket
 - a. There are approximately 130 remaining cases on the docket.
2. Status of discovery in current bellwether pool
 - a. Documents and materials relied on by expert witnesses
 - i. Parties will exchange lists of documents and materials which are relied upon by opposing experts, that the party does not have and request and those documents will be produced in advance of the expert's deposition.
 - ii. The documents and materials should be produced at least 72 hours prior to the date of the depositions.
 - iii. With regard to the depositions scheduled on April 14, 2017 and April 18, 19, 20, 2017, the Parties will produce the documents within a reasonable time.
3. Status of discovery in new bellwether cases: Best, Lewis, Moore
 - a. N/A
4. Plaintiffs' request for the defense to dedicate and preserve exemplar devices for use at upcoming trials in the New Jersey Superior Court.
 - a. The Parties will meet and confer.
5. Criteria for next set of Bellwether cases
 - a. Parties will meet and confer and select a list of four for the next set of Bellwether cases.
 - b. Each side will select two cases and submit the selections to the Court.

6. Pro Hac Vice Limit
 - a. There will be no limitations on the pro hac admissions per case. Any prior limitations set are void.

B. Status of Discovery

1. Privilege Challenges
 - i. Defendants will respond to Plaintiffs' privilege letter by April 20, 2017.
 - ii. Plaintiffs will notify the Court and Defendants as to documents which are disputed and the Defendants will submit the documents to the Court in camera review and the Court will determine whether the privileged designations were appropriate.
2. Certified Charts
 - i. Parties will meet and confer on the certified charts within the next two weeks by April 27, 2017.
 - ii. If the Parties do not reach an agreement, the Parties will inform the Court and any disputes will be determined at the May 11, 2017 case management conference.
3. Custodial documents
 - i. Parties will follow the Court's decision made in March 2017.

C. Status of Covidien

1. There are 46 cases remaining.

PART IV

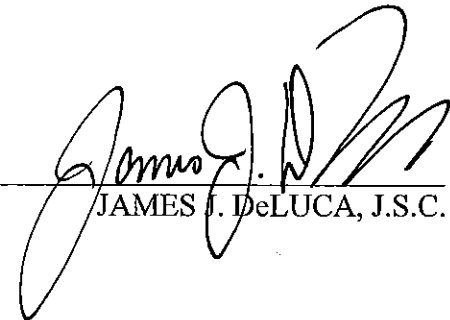
IV. GENERAL

1. The next Case Management Conference is scheduled for May 11, 2017 at 9:30 a.m. Liaison Counsel shall report at 08:45 a.m. to Courtroom 401. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.
3. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.

4. Subject to agreement by and between counsel and with permission from the Court, counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to e-mail liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition, you must confirm your appearance, immediately following the proceeding. Absent the above, counsel's appearance will not be noted.
5. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.
6. Counsel is permitted to serve one motion with a schedule of attached cases for *pro hac* admission. However, a separate order per case/docket number and filing fees is required.
7. The Court directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.
8. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Jamie Colaneri at Jamie.Colaneri@njcourts.gov and Sean Hanratty at Sean.Hanratty@njcourts.gov.
10. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission

received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.

11. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.
12. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
13. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.



JAMES J. DeLUCA, J.S.C.