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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291  
MASTER DOCKET NO.: BER-L-11575-14

CIVIL ACTION

CASE MANAGEMENT ORDER #53

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

**FILED**

**APR 25 2019**

**RACHELLE L. HARZ**  
**J.R.G.**

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

IT IS on this 25<sup>th</sup> day of April 2019, **ORDERED** as follows:

**I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

- A. Amended Case Management Order #52, entered on March 15, 2019
- B. Amended Notice and Order Regarding Service of Plaintiff's Fact Sheets and Applications for Extension of Service Dates, entered on March 15, 2019
- C. Wilma Wilson v. Ethicon, BER-L-012928-14, Order to Substitute Proper Plaintiff in Interest or Case Will Be Dismissed, entered on March 15, 2019
- D. Order Extending Discovery End Date to December 31, 2019, entered on March 26, 2019
- E. Detrick v. Ethicon, BER-L-7144-15, Order Admitting Daniel C. Burke, Esq., Pro Hac Vice, entered on March 27, 2019
- F. Susong v. Ethicon, BER-L-000793-15, Order Granting the Motion for the Pro Hac Vice Admission of M. Andrew Snowden, Esq., entered on April 1, 2019
- G. Susong, Tays, McKnight: Order Admitting Jeffrey M. Kuntz, Esq., Pro Hac Vice, entered on April 2, 2019
- H. Susong, Tays, McKnight: Order Admitting Andrew N. Faes, Esq., Pro Hac Vice, entered on April 2, 2019

regarding necessary extensions of pretrial deadlines to accommodate deposition scheduling.

4. The Court will not substitute a back-up case at this time following dismissal of Burgess v. Ethicon.

#### IV. GENERAL

1. The next Case Management Conference is scheduled for Tuesday July 30 at 10:30 am in courtroom 359. Liaison counsel shall report at 9:30 am. **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.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](mailto:Jamie.Colaneri@njcourts.gov) and Sean Hanratty at [Sean.Hanratty@njcourts.gov](mailto: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

- I. Burgess v. Ethicon, Consent Order of Dismissal With Prejudice, entered on April 2, 2019

## II. COMPLIANCE WITH PRIOR ORDERS

- A. Amended Case Management Order #52, entered on March 15, 2019
- B. TVT-O Pre-Trial Scheduling Order (Third Amended), entered on January 7, 2019
- C. Prolift/Tennessee Plaintiff Pre-Trial Scheduling Order, entered on January 9, 2019

## III. CASE MANAGEMENT

### A. Next trial

#### 1. Case Selection

- a. The Tennessee Plaintiff Prolift cases the Court has selected for a June 5, 2019 trial date are:

1. McKnight, Stacie J. Miller, (BER-L-010227-14), Bernstein Liebhard; Law Offices of Jan Meyer & Associates
2. Tays, Carolyn Atkinson, (BER-L-011577-14), Bernstein Liebhard
3. Susong, Nancy Justice (BER-L-000793-15), Bernstein Liebhard; Law Offices of Jan Meyer & Associates

- b. The parties discussed logistics regarding June 2019 trial (jury selection details, deposition designation objection preservation, openings, live experts v. video, etc.) and set the schedule for pretrial arguments and trial days.

### B. Status of the TVT-O cases the Court has selected for an October 15, 2019 trial date:

1. Reyes, Yvette Castruita Ramirez (BER-L-012431-14), Bernstein Liebhard; Law Offices of Jan Meyer & Associates. Fact discovery is completed.
2. Detrick, Teri, BER-L-007144-15, Law Offices of Jan Meyer and Bernstein Liebhard. Discovery is on schedule.
3. Farnsworth, Cheri Lynn & Leland, BER-L-014433-14, Hecht Kleeger and Oshman & Mirisola. The parties will meet and confer

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.

  
RACHELLE L. HARZ, J.S.C.