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**IN RE: PELVIC MESH/BARD  
LITIGATION**

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**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION: BERGEN COUNTY**

**CASE NO. 292**

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

**CIVIL ACTION**

**FILED**

**JAN 30 2017**

**James J. DeLuca, J.S.C.**

**ORDER AS TO PLAINTIFFS' REQUEST  
FOR ADDITIONAL DISCOVERY**

**THIS MATTER**, having been opened to the Court upon the application (the "Application") of Adam M. Slater, Esq. of Mazie, Slater, Katz & Freeman, LLC, co-liaison counsel for Plaintiffs in this Multi-County Litigation, for an order to compel discovery from defendant, C.R. Bard, Inc. ("Bard"), and the Court having reviewed the briefs and certifications submitted in support of and in opposition to Plaintiffs' application, and the Court on January 26, 2017, having heard the oral arguments of counsel, Mr. Slater, appearing on behalf of Plaintiffs, and Melissa A. Geist, liaison counsel for Bard, and for the reasons set forth on the record and for good cause shown;

**IT IS** on this 30 day of **January, 2017**, **ORDERED** as follows:

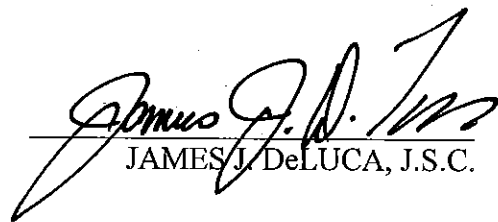
1. Plaintiffs' application to compel discovery is granted in part and denied in part.
2. Custodial and general document production is to be brought current by Bard from the date(s) of the prior production to date with respect to the Align product and the Avaulta product. Such custodial and general documents include: (i) adverse reaction reports to Bard and by Bard to the Food & Drug Administration; (ii) internal evaluation and analysis of adverse event information; (iii) research and development activity with

regard to mesh devices and materials for the treatment of pelvic organ prolapse and stress urinary incontinency; (iv) sales and marketing brochures and sales aids, Power Points, competitive marketing analysis, sales figures and other key documents regarding the ongoing sales and marketing of such products; and (v) meetings and interactions with consultants, opinion leaders, outside physicians and advisory boards regarding the safety and effectiveness, warnings and product information and marketing of such products.

3. The Court is advised that Bard previously produced Privilege Log 1, produced August 4, 2011 and supplemented October 26, 2011; Privilege Log 2, produced January 23, 2012; Privilege Log 3, produced November 14, 2012; and Privilege Log 4, produced April 26, 2013. The Court hereby directs that Bard is to promptly bring such privilege logs current.
4. As to Plaintiffs' request for certified charts confirming approval and in-use dates for key documents as described in the Application, liaison counsel for the parties are to meet and confer in an effort to resolve these dates. To the extent the parties are unsuccessful in reaching agreement as to these dates, the Court will consider further alternatives to address this issue.
5. As to the depositions requested by Plaintiffs, the Court denies Plaintiffs' request to depose the persons/corporate representatives as described in the Application, except that, for the reasons set forth on the record, the Court will allow for the deposition of Ronald Bracken. On or before February 3, 2017, Ms. Geist is to notify Mr. Slater as to whether Mr. Bracken is still employed by Bard. To the extent Mr. Bracken is still employed by Bard, Plaintiffs may depose Mr. Bracken within 45 days of the date hereof

or such other time as counsel for Plaintiffs and Bard shall agree. To the extent Mr. Bracken is no longer employed by Bard, Ms. Geist shall provide Mr. Slater with Mr. Bracken's last known residence address.

6. As to the biocompatibility test results, no later than February 3, 2017, Mr. Slater shall provide to Ms. Geist a letter describing the documents which Plaintiffs assert have not been produced. Bard is to then make a good-faith effort to determine whether the documents described by Mr. Slater actually exist. To the extent the documents exist, Bard is to promptly turn such documents over to Plaintiffs' liaison counsel. To the extent Bard determines that such additional documents do not exist, a corporate representative of Bard with knowledge shall submit a certification to Plaintiffs' counsel as to the non-existence of such documents.
7. The parties are directed to work cooperatively as to the production of discovery as required by the Order, taking into consideration the discovery deadlines previously imposed by the Court and the tentative trial date of October 30, 2017.

  
JAMES J. DeLUCA, J.S.C.