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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

**FILED**

AUG 14 2017

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

CIVIL ACTION

CASE MANAGEMENT ORDER #27

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 14<sup>th</sup> day of August 2017, **ORDERED** as follows:

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

- A. Case Management Order No. 26, July 17, 2017

**II. COMPLIANCE WITH PRIOR ORDER**

- A. **Case Management Order No. 26**

1. **Status of discovery in new bellwether cases: Best, Lewis and Moore:** With respect to the Lewis matter, Plaintiffs submitted a letter to the Court on July 24, 2017. Defendant responded via letter dated August 2, 2017.
2. **First Bellwether Trial:** The parties will be prepared to discuss a proposed pre-trial schedule in advance of trial on January 29, 2018.
3. **Status of meet and confer on privileged documents and exemplar products:** The parties have not yet met and conferred, but expect to be prepared to report to the Court on the outcome of the meet and confer discussion on the topic.

### III. CASE MANAGEMENT CONFERENCE

#### A. Status of Bard Cases

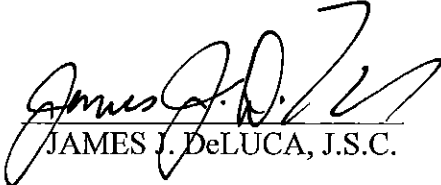
1. Report on Bard docket
  - a. Plaintiffs' Counsel (Mr. Slater and Mr. Oshman) will send a letter listing the name and docket numbers of all cases currently on file by their respective firms by August 18, 2017.
2. Status of discovery in new bellwether cases: Best, Lewis, Moore
  - a. Status of Lewis:
    - i. All remaining depositions will be completed by August 31, 2017.
    - ii. Plaintiff's expert reports will be filed by September 15, 2017.
    - iii. Defendants' expert reports will be filed by October 15, 2017.
    - iv. Plaintiff's experts will be deposed by October 22, 2017.
    - v. Defendants' experts will be deposed by October 29, 2017.
3. Status of meet and confer on trial date
  - a. The Parties will meet and confer on the pre-trial schedule.
  - b. The Parties will also discuss the process of selecting the first bellwether case for trial.
  - c. The Parties will be prepared to discuss with the Court on September 8, 2017.
4. Status of meet and confer on privileged documents and exemplar products
  - a. Defendants will confirm that four exemplars per product are preserved.
  - b. The Parties will meet and confer on the issue of privileged documents.
5. Corporate representative depositions
  - a. The Parties will confer to set a date for the company representative deposition on the Align product issue and provide the date scheduled to the Court by August 25, 2017.
  - b. The date for Dr. Bracken's deposition will also be set by August 25, 2017.

## PART IV

### IV. GENERAL

1. The next Case Management Conference is scheduled for September 27, 2017 at 10:00 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](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 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.