

FILED

JAN 10 2019

SUPERIOR COURT OF NEW JERSEY

RACHELLE L. HARTZ

LAW DIVISION: BERGEN COUNTY

IN RE: PELVIC MESH/BARD

LITIGATION

CASE NO. 292

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

CIVIL ACTION

CASE MANAGEMENT ORDER #38

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; the Court having conducted a Case Management Conference on this date; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 10th day of **January 2019**, **ORDERED** as follows:

PART I

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 37, dated October 19, 2018;
- B. Scheduling Order Pertaining To Bellwether Cases, dated October 19, 2018.

PART II

II. COMPLIANCE WITH PRIOR ORDERS

A. Case Management Order No. 37

1. **Plaintiffs' Production of Updated Plaintiff Fact Sheets and Authorizations for Collection of Medical Records in the *Lantigua* case:** The *Lantigua* case has since been settled and thus production of a Plaintiff Fact Sheet is not necessary.

PART III

III. CASE MANAGEMENT

- A. **Selection of Replacement Bellwether Case:** Judge Harz will determine selection of replacement Bellwether Case.
- B. **Status of Bellwether Case Discovery:** Reed Smith will prepare and submit pre-trial scheduling orders.
- C. **Scheduling of Trials:** Align trial set to begin in September of 2019. Avaulta trial set to begin in January of 2020. Reed Smith will prepare and submit comprehensive pre-trial scheduling orders.
- D. **Plaintiffs' request to determine privilege issue:**
On or before January 24, 2019, plaintiffs will identify 20 documents from the privilege log that they are challenging. On or before February 7, 2019, defendants will submit requested documents to the court for an in-camera review. If necessary, defendants will be granted an extension of time to produce requested documents.

PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for February 20, 2019, at 10:30 a.m. Liaison Counsel shall report at 9:00 a.m. to Courtroom 315. **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 you 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. Any counsel who has not already done so 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 HARZ, J.S.C.