

JAN 20 2016

BRIAN R. MARTINOTTI

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 292

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

CIVIL ACTION

CASE MANAGEMENT ORDER #12

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 20th day of January 2016, **ORDERED** as follows:

PART I

ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 11, entered December 2, 2015.

PART II

COMPLIANCE WITH PRIOR ORDERS

- A. Case Management Order No. 11
 - 1. The parties are conferring on the addition of cases to the bellwether trial pool.
 - 2. There are 1584 active Bard/Covidien cases.

3. Approximately 517 cases have been resolved. Defense Counsel will submit a schedule of resolved cases to the Court to be dismissed without prejudice and converted to dismissals with prejudice upon filing of stipulations of settlement.

PART III

CASE MANAGEMENT

A. Status of Bard Cases

1. Counsel will meet and confer regarding McGinnis v. Bard and Rios v. Bard to schedule a settlement conference within the next forty-five (45) days at which settlement counsel for Defendants and someone with settlement authority for Plaintiffs will appear. In the meantime, counsel will meet and confer to discuss additional cases to be added to the Bellwether pool, which will be presented at the next settlement conference.

B. Status of Covidien Cases

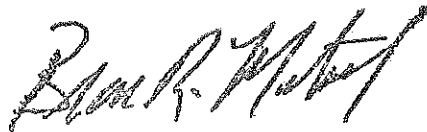
1. Settlement counsel for Covidien and a representative from Plaintiffs Liaison Committee shall appear on March 1, 2016 at 10 a.m. for a settlement conference. If significant progress has not been made, a Bellwether Order will be entered on March 2.
2. On January 27, 2016 at 11 a.m., there will be a telephone conference with Covidien litigation counsel and New Jersey Liaison counsel. Mr. Herten will circulate a dial in number.

PART IV

GENERAL:

1. The next Case Management Conference is scheduled for March 2, 2016 at 11 a.m. Liaison Counsel shall report at 9:30am. **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.1:48 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 Anna Celentano at Anna.Celentano@judiciary.state.nj.us and Yeon Ji Lee at Yeon-Ji.Lee@judiciary.state.nj.us.
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.



BRIAN R. MARTINOTTI, J.S.C.