
IN RE: PELVIC MESH/BARD
LITIGATION

FILED
JUL 17 2017

James J. DeLuca, J.S.C.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 292

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

CIVIL ACTION

CASE MANAGEMENT ORDER #26

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 17th day of July 2017, **ORDERED** as follows:

I. ORDER ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 25, May 26, 2017

II. COMPLIANCE WITH PRIOR ORDER

- A. **Case Management Order No. 25**

1. **Bard's Request for Stipulation on HIPAA and PHI Information:** Bard sent an updated, proposed stipulation and order on HIPAA and PHI Information on May 18, 2017.
2. **Document Production:** The document production has been completed.
3. **Plaintiffs' request that Bard produce a corporate representative on Bard's decision to discontinue selling Align products:** The parties will be prepared to report on the status of this issue at the next case management conference.

- a. This is discussed in the case management order in Section III, A, 6.

4. **First Bellwether Trial:** The parties will be prepared to report to the Court on the outcome of the meet and confer discussion on this topic.
5. **Plaintiffs' Demand for Corporate Disclosure/Acquisition Documents:** The parties will be prepared to report on the status of this issue at the next case management conference.
 - a. This is discussed later in the case management order in Section III, A, 7.

III. AGENDA ITEMS FOR NEXT CASE MANAGEMENT CONFERENCE

A. Status of Bard Cases

1. **Report on Bard docket**
2. **Status of discovery in current bellwether pool**
3. **Status of discovery in new bellwether cases: Best, Lewis, Moore**
 - a. Plaintiff will report on the status of the Lewis case no later than July 24, 2017.
 - i. If an expert report is not submitted by July 24, 2017, Defendants may send a letter to the Court on their position.
 - b. Defendants will serve their expert reports for Lewis by August 11, 2017.
4. **Status of meet and confer on trial date**
 - a. The Parties will meet and confer and submit a proposed trial date for early 2018. (January 22, 29 are target dates)
 - b. The Parties will also jointly submit a proposed pretrial schedule including days for *Kemp* hearings.
5. **Status of meet and confer on privileged documents and exemplar products**
 - a. Parties will meet and confer on status of the exemplar products and establish the number of exemplars and logistics regarding the exemplars by the next case management conference on August 14, 2017.
6. **Corporate representative on Bard's decision to discontinue selling Align products**
 - a. Documents will be produced by August 24, 2017.
 - b. Deposition of designated corporate representative will be taken by September 28, 2017.
7. **Production of Corporate Disclosure/Acquisition Documents**
 - a. Plaintiff will file their Motion to Compel by August 11, 2017.
 - b. Defendants will submit their opposition by August 18, 2017.
 - c. Plaintiff will reply by August 25, 2017.
 - d. The Court will hear arguments on September 8, 2017.

8. Covidien: The Covidien stay is extended.

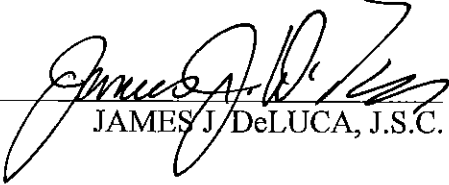
PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for August 14, 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 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. 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.