
IN RE: PELVIC MESH/BARD
LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 292
MASTER DOCKET NO.: BER-L-17717-14

CIVIL ACTION

CASE MANAGEMENT ORDER #4

All prior orders remain in full force and
effect except as modified by this Order.

FILED

FEB 05 2015

BRIAN R. MARTINOTTI
J.S.C.

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 5th day of February 2015, **ORDERED** as follows:

PART I

ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

1. N/A

PART II

COMPLIANCE WITH PRIOR ORDERS

1. N/A.

PART III



CASE MANAGEMENT

1. Counsel for Covidien requested an additional two weeks to meet and confer. This request was DENIED.
2. Bellwether Selections, Case-Specific Discovery, and Pre-Trial Deadlines
 - a. This Court orders the potential pool of bellwether cases includes only those cases in which, as of February 13, 2015, (1) the Plaintiff has served a substantially completed PFS and (2) the Plaintiff has provided the approved blank medical authorizations to Marker, the parties' agreed upon medical record vendor.
 - b. On or before February 13, 2015, Counsel shall correct and provide to Defendants completed PFSs in those potential bellwether cases in which defendants have already served Plaintiffs with timely notice of such deficiencies.
 - c. On or before February 27, 2015, the parties shall select potential bellwether cases according to the following criteria:
 - i. Bard shall select a total of four (4) potential bellwether cases. Of Bard's four selections, two (2) cases must involve only an SUI product and two (2) cases must involve only POP products. Bard may not select a case involving a product manufactured by a company other than Bard.
 - ii. Sofradim/TSL shall select a total of four (4) potential bellwether cases. Of Sofradim/TSL's four selections, two (2) cases must involve only an SUI product and two (2) cases must involve only POP products. Sofradim/TSL may not select a case involving a product manufactured by a company other than Sofradim/TSL.

- iii. Plaintiffs shall select a total of eight (8) potential bellwether cases. Of Plaintiffs' eight selections, three (3) cases must involve only POP products, and three (3) cases must involve only SUI products. Plaintiffs may only select two (2) cases that involve both a product manufactured by Bard and a product manufactured by Sofradim/TSL. In addition, Plaintiffs may not select a case in which the claimant was implanted with a product manufactured by a company other than Bard or Sofradim/TSL.
- d. On March 9, 2015, case specific discovery shall commence in connection with the sixteen (16) cases selected above. Case specific discovery shall be completed on July 6, 2015.
- e. On or before June 13, 2015, the parties shall meet and confer to discuss the status of the bellwether cases.
- f. Plaintiffs' Initial General and Case Specific Expert Reports shall be served on or before August 15, 2015.
- g. Defendants' General and Case Specific Expert Reports shall be served on or before August 31, 2015.
- h. Supplemental expert reports addressing documents, information, and testimony obtained after the deadlines for the service of initial and rebuttal expert reports shall be served in compliance with R. 4:17-7.
- i. Plaintiffs' Expert Depositions shall commence after August 15, 2015 and be completed on or before October 12, 2015.
- j. Defendants' Expert Depositions shall commence after September 14, 2015 and be completed on or before November 13, 2015.

- k. Dispositive motions shall be filed by December 1, 2015. Responses to dispositive motions shall be filed by January 8, 2016. Replies to dispositive motions shall be filed by January 15, 2016.
- l. The next bellwether trial shall commence on a date to be decided by the Court and shall be a single manufacturer case only.

PART IV

GENERAL:

1. The next Case Management Conference is scheduled for March 18, 2015 at 10:30am. 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 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.1:48 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 Kelly Gibson at Kelly.Gibson@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.

A handwritten signature in black ink, appearing to read "Brian R. Martinotti". The signature is written in a cursive, somewhat stylized font.

BRIAN R. MARTINOTTI, J.S.C.