

**FILED**

**JUL 17 2017**

IN RE PELVIC MESH/BARD  
LITIGATION

\* **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  
\*

**STIPULATION REGARDING AMENDING STIPULATED PROTECTIVE ORDER  
FOR C. R. BARD, INC.'S EXPEDITED PRODUCTION OF ESI**

To expedite document production of ESI from Defendant C. R. Bard, Inc. ("Bard"), the parties in the above-captioned matter have agreed to certain changes to the Stipulated Protective Order Regarding Confidentiality of Documents entered by this Court on November 2, 2011 ("Protective Order"), with respect to the processing and production of Bard's ESI productions. To the extent any of the below provisions are inconsistent with the Protective Order, the below provisions shall control all documents produced pursuant to this Order. In all other respects Bard's ESI productions shall be subject to and governed by the Protective Order. It is ORDERED as follows:

1. For purposes of this Order, Protected Health Information ("PHI") has the meaning set forth at 45 C.F.R. § 160.103 and shall refer only to PHI disclosed to a Party or its representatives in the course of and for purposes of litigation of the above-captioned matter.

2. By agreeing to this Order, the Parties are not waiving any objections to disclosure and/or production of any PHI during discovery or the right to challenge the relevancy, materiality or admissibility of any PHI provided by Bard, or to object to the use of any PHI in any subsequent proceeding or trial.

3. Nothing in this Order shall prevent or prohibit the Parties from seeking such additional or further protection as they deem necessary to protect PHI subject to discovery in this action.

4. The Parties have agreed to an ESI production process ("Process") that will require disclosure and/or use of recollected and/or recorded PHI, the privacy of which is protected under HIPAA. All ESI produced by Bard pursuant to this Process shall be subject to the following terms.

a. At the time of production, Bard will identify the documents or ESI as being produced pursuant to the Process and subject to the restrictions of this Order (the "Process ESI").

b. Prior to using any Process ESI as part of a filing, at a deposition, or at a trial or hearing in this matter, Plaintiffs shall make a good faith effort to identify whether the document or ESI contains any information that is subject to redaction under the Stipulated Protective Order and to redact any such information in accordance with that Order and redaction protocol.

c. Bard shall independently have the right to identify any documents or ESI from the Process ESI, as subject to the requirements of the Protective Order and to provide Plaintiffs with a redacted version of the subject documents or ESI with the same production Bates number(s) and Plaintiffs shall destroy any unredacted copies or versions of the document that they possess, unless Plaintiffs believe documents should not be destroyed. The parties shall meet and confer as to any such disputes.

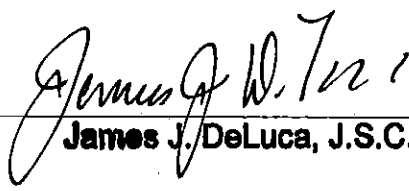
5. To the extent that the documents or ESI produced pursuant to the Process contain any adverse event reporter names or information of a patient who is not a party to this litigation

and which would otherwise be redacted in accordance with the Stipulated Protective Order, Plaintiffs and their counsel and agents shall not contact the patient or reporter of an adverse event, with regard to that adverse event.

6. The terms of this Order shall survive the conclusion of this litigation.

**SO ORDERED:**

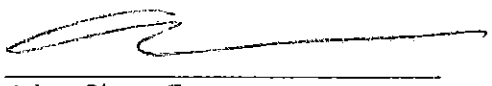
Date: July 17, 2017

  
James J. DeLuca, J.S.C.

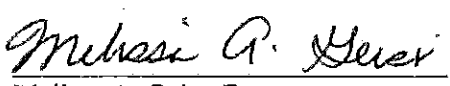
J.S.C.

**AGREED TO:**

Date: 6/15/17

  
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