

**HONORABLE RACHELLE L. HARZ, J.S.C.**

Superior Court of New Jersey, Law Division  
Bergen County Justice Center  
10 Main Street, Chambers 359  
Hackensack, New Jersey 07601  
(201) 221-0700 x 25557

This Order is prepared and filed by the Court:

**FILED**

**MAY 01 2018**

**RACHELLE L. HARZ  
J.S.C.**

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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

CASE NO. 291  
MASTER DOCKET NO.: BER-L-11575-14  
CIVIL ACTION

**THIS COURT**, having recently received letters and email correspondence from liaison counsel regarding many issues, including the schedule of the Levin and Burns cases, and the defense having given a rational basis for this court's consideration regarding the adjournment of a June trial date as a result of outstanding pretrial issues; and for good cause shown;

It is on this 1<sup>st</sup> day of May, 2018;

**ORDERED** that the parties shall appear for mediation prior to June 6, 2018, pertaining to the Levin and Burns cases on a date to be coordinated between the parties as soon as practicable; and if the parties cannot agree on a mediator within seven (7) days, then each party shall submit three (3) names to this court for consideration and this court shall appoint the mediator; and

**IT IS FURTHER ORDERED** that this court intends to conduct same state multi-plaintiff trials commencing on October 1, 2018; December 3, 2018; February 4, 2019; and April 4, 2019. The October 2018 trial involves the NY Prolift cases referenced below. The December 2018 trial will involve TVT cases. The February 2019 trial will involve Prolift cases, and the April 2019 trial will involve a product to be determined; and

**IT IS FURTHER ORDERED** that if the Levin and Burns cases do not resolve before August 1, 2018, a trial shall commence pursuant to the following schedule:

- a. Pretrial motions to be argued in August;
- b. Jury Selection to be conducted September 24, 2018 through September 28, 2018;
- c. Opening arguments to commence on October 1, 2018;
- d. The parties shall meet and confer within the next thirty (30) days to prepare a pretrial order for this court's signature;
- e. Defense counsel shall identify two additional New York Prolift cases to be tried with the Levin and Burns cases. At present, this court is aware of the status of the Dean case and it may proceed as one of the two defense picks. Selection of the two defense cases shall proceed immediately as these two cases shall be a part of the Levin and Burns pretrial order referenced above; and

**IT IS FURTHER ORDERED** that the parties shall prepare submissions to be provided to this court by May 7, 2018, detailing their proposals for a new case selection process for future pools of cases. The court will review these proposals and entertain discussion regarding same at the next scheduled case management conference; and

**IT IS FURTHER ORDERED** that the TVT cases selected by the parties under the new pool process, which shall be determined after the next case management conference, shall have a trial commence pursuant to the following schedule:

- a. Pretrial motions to be argued in early November;
- b. Jury Selection to be conducted November 26, 2018 through November 30, 2018;
- c. Opening arguments to commence on December 3, 2018;
- d. The parties shall meet and confer to prepare a pretrial order for this court's signature; and

**IT IS FURTHER ORDERED** that the Prolift cases selected by the parties under the new pool process shall have a trial commence pursuant to the following schedule:

- a. Pretrial motions to be argued in early January;
- b. Jury Selection to be conducted January 14, 2019 through January 18, 2019;
- c. Opening arguments to commence on February 4, 2019;
- d. The parties shall meet and confer to prepare a pretrial order for this court's signature; and

**IT IS FURTHER ORDERED** that the next product cases to be determined by the court shall have a trial commence pursuant to the following schedule:

- a. Pretrial motions to be argued in late-March;
- b. Jury Selection to be conducted April 1, 2019 through April 5, 2019;
- c. Opening arguments to commence on April 8, 2019;
- d. The parties shall meet and confer to prepare a pretrial order for this court's signature; and

**IT IS FURTHER ORDERED** that in the event that the entirety of any group of cases scheduled for a trial date settle, or otherwise resolve, this court may move the next scheduled group of cases, depending on the timeframe, to the earlier trial date of that which settled; and

**IT IS FURTHER ORDERED** that a copy of the order shall be posted on the New Jersey Courts Multi-County Litigation website.

A handwritten signature in black ink, reading "Rachelle L. Harz", written over a horizontal line.

Hon. Rachelle L. Harz, J.S.C.