
IN RE: PELVIC MESH/GYNECARE
LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

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

CIVIL ACTION

CASE MANAGEMENT ORDER #20

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

FILED
SEP 16 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; the Court having conducted a Case Management Conference; counsel appearing; for good cause shown and for the reasons set forth on the record;

[The parties agreed at the Case Management Conference to discuss Wicker separately.
All references to Wicker will be made in a different Case Management Order]

IT IS on this 16th day of September 2015, **ORDERED** as follows:

PART I

ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 19 entered on August 19, 2015.



PART II

COMPLIANCE WITH PRIOR ORDERS

- A. Revised Scheduling Order for TVT Retropubic Core Discovery Cases entered on July 23, 2015.
1. Plaintiffs in all (5) core discovery cases have produced the disclosures required pursuant to the Stipulation Regarding Plaintiffs' Preservation and Production of Social Media, entered by the Court on January 31, 2012 or the sworn certification so stating.
 2. Depositions of Plaintiffs' experts shall be completed by October 5, 2015.
 - a. All prior Orders have been complied with, with the exception of one expert in Cantrell and one expert in Watkins. Counsel shall meet and use their best efforts schedule the depositions in compliance with prior Orders.
 3. Depositions of Defendants' experts shall be completed by November 5, 2015.
 - a. As soon as the Plaintiffs' experts' depositions are scheduled, the parties will continue the process of scheduling depositions of Defendants' experts.
 4. Selection of the case or cases that will be the subject of the first trial setting including a TVT Retropubic will be determined by no later than November 9, 2015.
 5. Specifics regarding deadlines for filing pretrial motions, including summary judgment motions, Kemp motions and *in limine* motions, as well as other deadlines relating the Trial were set.
- B. Case Management Order No. 19 entered on August 19, 2015.
1. Counsel submitted the proposed agenda seven (7) days prior to Case Management Conference.
 2. Bednarz (TVT-O - Core Discovery) - Discovery from medical malpractice matter was produced by September 6, 2015 (within 45 days of July 23, 2015).
 3. Velazquez (TVT-O - Core Discovery) - Counsel to meet and confer regarding status of bankruptcy matter. Counsel's request to file a motion on the matter is granted. Counsel may file such a motion no sooner than 30 days from August 19, 2015. Defendants intend to file the motion by the date the Court has permitted.

PART III

CASE MANAGEMENT

A. TVT Retropubic Core Discovery Cases

1. Tentative trial setting remains scheduled for January 11, 2016.
2. Liaison counsel submitted a scheduling order, which was entered on July 23, 2015. Status of compliance is addressed in Section II above.
3. Corbet: Plaintiffs shall provide to defense counsel dates for the scheduling of the depositions of plaintiffs' daughter and her husband.

B. TVT Secur Core Discovery Cases

1. Liaison counsel continue to meet and confer regarding ongoing scheduling issues. Plaintiffs requested setting a trial date and the first bellwether trial was tentatively scheduled for May 2, 2016.
2. DuBose – Plaintiffs' counsel previously advised that, due to Ms. DuBose's lung cancer, this case was being removed from the TVT-Secur bellwether pool. On August 19, 2015, Plaintiffs' counsel sent a letter advising that Laurel and Timothy DuBose are available for deposition on October 2, 2015 and Laurel DuBose is available for her *de bene esse* deposition on October 21, 2015. The discovery deposition dates conflict with the Wicker trial and the counsel involved therein. Counsel is in the process of attempting to reschedule the depositions for a mutually agreeable date. Plaintiffs need to move forward with these depositions quickly due to the Plaintiff's medical condition.

C. TVT-O Core Discovery

1. Liaison counsel continue to meet and confer regarding ongoing scheduling issues. No trial setting has yet been made for this set of cases.
2. Bednarz – As was mentioned in Section II above, all discovery from medical malpractice matter was produced by September 6, 2015.
3. Velazquez – As was mentioned in Section II above, Defendants intend to file the motion by the date the Court has permitted

D. Miscellaneous Issues:

1. Scheduling of depositions – The parties will meet and confer to discuss a protocol for questioning at depositions of treaters and a possible modification of Orders in place.
2. Parties will meet and discuss the revised IFUs for the TVT products. Plaintiffs will forward to Defense counsel a formal request for information related to the revised IFU.

PART IV

GENERAL:

1. The next Case Management Conference is scheduled for October 21, 2015 at 12:00pm. Liaison Counsel shall report at 10:30am. **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.1:4-8 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 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.