

RIKER DANZIG SCHERER HYLAND & PERRETTI LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
(973) 538-0800
Attorneys for Defendants,
Ethicon, Inc. and Johnson & Johnson

In re PELVIC MESH / GYNECARE
LITIGATION,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ATLANTIC COUNTY

CIVIL ACTION

Case No. 291 CT
Master Case 6341-10

~~IP 10/10/11~~ Case Management Order No. 7

Counsel for the parties having appeared for a case management conference on April 20, 2012, and for the continued purpose of equitable, economic and expedient resolution of these cases:

IT IS ON THIS 11th day of May, 2012, ORDERED as follows:

CASE SELECTION AND DISCOVERY:

1. It is ordered that the first pool of core discovery cases are hereby limited to: (a) from Defendants' case selections: Collins (ATL-L-8565-11), Firman (ATL-L6967-10), Weaver (ATL-L-10650-11), and Mendez (ATL-L-8879-11); and (b) from Plaintiffs' case selections: Gross (ATL-L-6966-10), Dvorak (ATL-L-6912-10), Rogers (ATL-L-6968-10), and Wicker (ATL-L-6951-10).

2. Plaintiffs' initial general and case specific expert reports for the eight cases above must be served by June 1, 2012, except that reasonable extensions will be provided for one or more case specific expert reports if necessary.

3. By July 1, 2012, the parties shall endeavor to complete all case specific fact discovery in the eight cases listed above. To the extent that this cannot be accommodated in certain cases, reasonable extensions will be granted by the parties. Fact discovery in the eight cases selected above shall continue following and during exchange of expert reports and expert discovery, as necessary.

4. By April 30, 2012, Plaintiff's counsel shall identify three (3) sales representatives in each remaining core discovery case for which complete custodial files, including mesh product related information from their personnel file, will be produced by Defendants within thirty (30) days. To the extent that this cannot be accommodated in certain cases, reasonable extensions will be granted by the parties. After receipt of the custodial files, Plaintiff's counsel will select no more than two (2) of those three (3) sales representatives to be deposed in each case.

5. The May 15, 2012 deadline set forth in the Bellwether Selection Order entered on October 28, 2012 for selection of the second phase of cases for core discovery, is vacated. The parties have agreed, and it is so ORDERED, that the second discovery pool of 14 cases (7 to be selected by Plaintiffs and 7 to be selected by Defendants) shall be cases involving a selected type of TVT-only product (with the parties to determine at a later date which product will be included), with these selections to be made and exchanged by September 10, 2012.

6. The parties have furthermore agreed, and it is so ORDERED, that the second trial in this litigation shall be of a case involving the TVT product selected pursuant to Paragraph 5, above, except if this would cause an unreasonable delay between the first and second trials, in which event the parties shall meet and confer as

to the type of case and the manner of selection of case for a second trial. The parties agree to continue to proceed diligently with TVT discovery in order to make all reasonable efforts to adhere to the parties' agreement.

GENERAL DISCOVERY:

7. By May 7, 2012, Defendants will designate all corporate representatives on all topics previously noticed for deposition by Plaintiffs that have not previously been identified.

8. Depositions are to be completed as expeditiously as possible. Plaintiffs must make every effort to complete deposition questioning of defense witnesses in one-day unless good cause can be demonstrated. If relevant documents are produced after the deposition has begun or is completed, or the parties otherwise agree that documents have been produced in a manner which does not allow for review of the materials prior to the deposition, the deposition may continue at a later date until it is complete but shall be limited in scope to the subsequently produced documents.

9. Depositions are to be generally focused on the Prolift product through August 2012, but any deposition which may be difficult to arrange, whether because of location of the witness or other circumstances, should include TVT and other products at issue and the parties should communicate in advance of the deposition to establish the scope of the deposition.

10. The parties are to discuss deadlines for production of outstanding discovery during the week of April 23, 2012. If the parties cannot agree on a time

frame for production of this material, a phone conference with the Court will be scheduled.

11. Defendants are to complete production of Prolift-related protocols, standard operating procedures, and guidelines, as expeditiously as possible.

12. By May 11, 2012, Defendants are to provide Plaintiffs with all known information regarding the identification and production of the final version and in-use date of all physician and patient materials, as well as website content, and Defendants will complete as expeditiously as possible production of originals of patient brochures. Defendants will supplement and provide to Plaintiffs any newly identified information regarding final versions and in-use dates for physician and patient materials and website content as expeditiously as possible.

13. With respect to Plaintiffs' demands for production of ex-U.S. documents, Plaintiffs shall file a motion setting forth with specificity documents or information they are seeking. If the parties cannot agree on a briefing schedule, one will be set by the Court.

GENERAL APPLICABILITY:

14. A party seeking the entry of an Order for Commission and Commission to obtain out-of-state discovery shall simultaneously submit it to the Court and serve it upon all counsel in the action in which it is to be entered. In the absence of objection via phone and email or letter to the Court and counsel for the party seeking entry of the Order within 24 hours of its submission and service, the Court may sign the Order.

15. A party seeking the entry of an Order Admitting to Practice *Pro Hac Vice* shall simultaneously submit the *pro hac vice* motion to the Court and serve it upon all counsel in the action in which it is to be entered. In the absence of objection via phone and email or letter to the Court and counsel for the party seeking entry of the Order within 24 hours of its submission and service, the Court may sign the Order.

And it is further ORDERED that a copy of this Order shall be served upon all counsel of record within seven (7) days.


HONORABLE CAROL E. HIGBEE, P.J. CV.