

ELIZABETH AND TADEUSZ HRYMOC,

Plaintiffs,

vs.

ETHICON, INC., ETHICON WOMEN'S
HEALTH AND UROLOGY, a Division of
ETHICON, INC., GYNECARE, JOHNSON &
JOHNSON, and JOHN DOES 1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY
DOCKET NO. BER-L-13696-14 MCL

MASTER DOCKET NO. BER-L-11575-14

CIVIL ACTION

In Re Pelvic Mesh/Gynecare Litigation
Case No. 291

PRE-TRIAL SCHEDULING ORDER

FILED

AUG 04 2017

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

THIS MATTER having been brought before the Court jointly by Defendants Ethicon, Inc. and Johnson & Johnson (“Defendants”), through their counsel Riker Danzig Scherer Hyland & Perretti, LLP, and Plaintiffs, through Plaintiffs’ liaison counsel, and for good cause shown;

IT IS on this 4th day of August, 2017;

ORDERED as follows:

1. The following deadlines are hereby set:
 - a. Defendants’ expert reports shall be served by **August 4, 2017**, except for the report of Defendants’ case-specific urogynecology expert, which shall be served by **August 14, 2017**, a week following the IME scheduled for **August 7, 2017**.
 - b. Expert depositions shall not commence until after service of Defendants’ expert reports and the parties shall make best efforts to complete all necessary expert depositions by **August 28, 2017**.
 - c. Pre-trial motions (dispositive, Kemp, motions *in limine*) shall be served and filed directly with Judge Harz’s chambers by **September 15, 2017**.

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- d. Oppositions to pretrial motions shall be filed and served by **October 6, 2017**.
 - e. Only where necessary, on leave of Court, limited replies shall be filed and served by **October 13, 2017**.
 - f. Oral argument on pretrial motions shall be on **October 30 and 31, 2017**.
 - g. The Court shall issue rulings on pretrial motions that impact deposition designation disputes and/or opening statements or other such issues that must be resolved prior to opening statements by no later than **November 8, 2017**.
2. Other Trial Submissions:
- a. The parties shall exchange affirmative deposition designations for case-specific and non-case specific witnesses on or before **August 28, 2017**.
The designations shall be identified by page and line number and the parties have agreed to use the same Excel spreadsheet format for ease of reference and exchange. The designations shall specifically identify exhibits to be offered through the deposition testimony.
 - b. Any objections to designations or any of the accompanying exhibits sought to be entered through the deposition testimony, and any counter-designations and accompanying exhibits sought to be entered through the counter-designation testimony, shall be exchanged on or before **October 2, 2017**.
 - c. Plaintiffs shall advise Defendants of any witness for whom Defendants have identified deposition designations to which Plaintiffs will object on the grounds that the witness needs to be brought live to trial rather than played by video on or before **October 2, 2017**.

- d. Any objections to the counter-designations and exhibits, and any counter-designations to an opposing party's counter-designations, shall be exchanged on or before **October 23, 2017**.
- e. The parties shall meet and confer no later than **November 1, 2017**, to resolve objections to designated testimony and exhibits and to resolve any proposed redactions to exhibits.
- f. Deposition designations and related exhibits in dispute shall be submitted to the Court by **November 6, 2017**.
- g. The Court shall hold hearings to resolve all outstanding objections relating to deposition designations and exhibits on **November 9 and 10, 2017**, and if necessary thereafter during the week of November 13, 2017.
- h. The Court shall hold a preliminary jury charge conference regarding the scope of substantive law to be applied in each plaintiffs' case following the deposition designation hearings during the week of **November 6, 2017**.
- i. The Court shall issue rulings regarding disputed deposition designations by no later than **November 17, 2017**.
- j. The parties shall exchange witness lists on or before **October 2, 2017**.
- k. On or before **October 2, 2017**, Plaintiffs shall advise Defendants of Defendants' corporate witnesses whom they request to call as live witnesses at trial.
- l. The parties shall exchange their lists of all exhibits that may be offered during each party's case in chief no later than **November 1, 2017**.

Demonstratives and exhibits to be utilized solely for impeachment need not be included. The exhibit list shall be in the form of an Excel spreadsheet. The parties may supplement their exhibit lists from time to time prior to and during trial provided the supplementations are reasonable in terms of scope and number of documents. The parties shall meet and confer regarding the deadline and manner by which they will exchange copies of all exhibits (e.g., on a hard drive, as separate .pdf or .tiff images, etc.).

- m. If a party elects to submit a hard copy of proposed exhibits to the Court for any purpose, and if the Court so permits, a duplicate shall also be provided to the adverse party.
- n. The parties shall disclose the identities of live witnesses who will testify at trial at least two business days prior to when the witness will be called. If the witness will be called on a Monday, then the witness must be disclosed by the end of court day on the preceding Friday.
- o. The parties shall exchange initial proposed jury instructions by **October 27, 2017**, and thereafter shall meet and confer regarding jury instructions.
- p. The parties shall meet and confer regarding proposed jury instructions by **November 6, 2017**.

3. Jury Selection


- a. The parties shall meet and confer on a juror questionnaire by **October 27, 2017**.

- b. A proposed agreed jury questionnaire must be submitted to the Court on or before **November 1, 2017**. If the parties are unable to agree upon a form of juror questionnaire, the parties should submit competing forms and identify for the Court those questions upon which they cannot agree.
- c. The parties shall agree upon a service to copy the final questionnaire to insure that there are sufficient copies for distribution to the jury pool and for duplication of the completed questionnaires for distribution among counsel. The cost of copying shall be borne equally by Plaintiff and Defendants.
- d. By **November 1, 2017**, the parties shall submit a concise descriptive statement of the nature of the case not to exceed three pages in length for the Judge's use during jury selection.
- e. It is the Court's intention to begin jury selection on **November 6, 2017**, such that opening statements can commence on **November 27, 2017**.

4. Commencement of Trial

- a. Opening statements are expected to commence on **November 27, 2017**.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within 7 days of the date of this Order.



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