

MAY 26 2011

IN RE PELVIC MESH/GYNECARE LITIGATION

SUPERIOR COURT **Carol E. Higbee, P.J.Cv.**
OF NEW JERSEY
ATLANTIC COUNTY: LAW DIVISIONCASE NO. 291
Master Docket No. ATL-L-6341-10

ORDER

THIS MATTER having been brought before the Court on application by Defendants' Ethicon, Inc. and Johnson & Johnson, and having been opposed and a cross-motion filed by Plaintiffs, on notice to all counsel of record, and the Court having considered the papers submitted, and the argument of counsel, and for good cause shown,

It is on this 26 day of May, 2011, ORDERED:

1. The Defendants' Motion Relating to the Retention of Expert Witnesses is hereby DENIED;
2. The Plaintiffs' Cross Motion for a Protective Order is hereby DENIED IN PART, GRANTED IN PART;
3. The Defendants as well as their agents, contractors, and counsel, are precluded from consulting with or retaining, any of the Plaintiffs' treating physicians as experts in any litigation arising from the Defendants' pelvic mesh products; and,
4. If after Defendants retain an expert they become aware that the expert has treated a Plaintiff (who presumably filed his or her complaint after the expert was retained) then Defendants' counsel shall immediately notify Plaintiff of this fact. If there is an objection to the continued use of the expert, either counsel can apply to the court for

relief as was done in this application. The court will review each individual case at that time to consider the prejudice to each side; and,

5. Plaintiffs' counsel shall submit to defendants' counsel (and to the court) an updated list of treating physicians by June 30, 2011.

It is FURTHER ORDERED that a true and correct copy of this Order be served on all parties within seven (7) days of entry hereof.


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