

**FILED**

NOV 18 2020

JOHN C. PORTO, J.S.C.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY  
MASTER DOCKET NO. ATL-L-173-20

MCL CASE NO. 633

Civil Action

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IN RE PROLENE HERNIA SYSTEM MESH  
LITIGATION

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**CASE MANAGEMENT ORDER NO. 12**  
**[ORDER OF QUESTIONING OF**  
**TREATING PHYSICIANS]**

This matter having been opened to The Court by the Parties; and it appearing that The Court (per the undersigned) on November \_\_, 2020 entered Case Management Order No. 11 [Depositions]; and the Parties having no objection to the form and entry of the within Order; and good cause appearing;

**IT IS** on this 18<sup>th</sup> day of November, 2020,

**ORDERED** that:

1. For the cases that were selected by the Plaintiffs for individual discovery, the Plaintiffs' attorneys shall have the option to examine treating physicians first at depositions;
2. For the cases that were selected by the Defendants for individual discovery, the Defendants' attorney shall have the option to examine treating physicians first at depositions;
3. For the cases randomly selected by The Court for individual discovery, the Parties will alternate which Party has the option to question treating physicians first at depositions beginning with the Plaintiffs' attorney having the right to question first in the first selected case,

the Defendants' attorney in the second selected case, the Plaintiff's attorney in the third selected case, etc.; and

4. The Party who examines treating physicians first shall be responsible for timely issuing the deposition notice (and any required subpoena) and, consistent with CMO 11, ¶V(A)(1), also will be responsible for reimbursing the treating physicians for their time spent appearing at the deposition. If a party relinquishes its right to examine a treating physician first in accordance with this Order, the other party may then question the witness first and will also be responsible for issuing the deposition notice and reimbursing the physician for time spent at the deposition. Nothing in this Order, however, shall preclude the parties from reaching alternative agreements regarding the order of examination, the responsibility for issuing deposition notices and subpoenas, or the responsibility of reimbursing the witness for deposition time. Nothing in this order changes CMO 11, ¶(IV)(D), which remains in effect.

  
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HONORABLE JOHN C. PORTO, J.S.C.