

James A. Barry, Esq.
NJ Attorney ID: 027512008
LOCKS LAW FIRM, LLC
801 N. Kings Highway
Cherry Hill, NJ 08034
(856) 663-8200
jbarry@lockslaw.com

Michael G. Daly, Esq.
NJ Attorney ID: 025812010
POGUST MILLROOD, LLC
8 Tower Bridge, Suite 940
161 Washington Street
Conshohocken, PA 19428
(610) 941-4204
mdaly@pogustmillrood.com

Adam M. Evans, Esq.
NJ Attorney ID: 289432019
HOLLIS LAW FIRM, P.A.
5100 W. 95th Street, Suite 250
Overland Park, KS 66207
(913) 385-5400
adam@hollislawfirm.com

Joshua S. Kincannon, Esq.
NJ Attorney ID No.: 034052000
WILENTZ, GOLDMAN & SPITZER, P.A.
90 Woodbridge Center Drive
Suite 900, Box 10
Woodbridge, NJ 07095
732.636.8000
jkincannon@wilentz.com

Robert E. Price, Esq.
FL Attorney ID: 85284
LEVIN, PAPANTONIO, THOMAS, MITCHELL, RAFFERTY & PROCTOR, P.A.
316 S. Baylen Street, Suite 600
Pensacola, FL 35202
(850) 435-7076
rprice@levinlaw.com

Kelsey L. Stokes, Esq.
TX Attorney ID: 24083912
FLEMING, NOLEN & JEZ, L.L.P.
2800 Post Oak Blvd., Suite 4000
Houston, TX 77056
(713) 621-7944
kstokes@fleming-law.com

FILED

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JOHN C. PORTO, J.S.C.

Plaintiffs' Executive Committee

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
MASTER CASE NO. ATL-L-2122-18

CASE NO. 627
Civil Action

IN RE PHYSIOMESH LITIGATION
(Flexible Composite Mesh)

CASE MANAGEMENT ORDER NO. 8
[PROCEDURES FOR MAY 8, 2019
SCIENCE DAY]

This matter having been opened to The Court at a Case Management Conference held on April 16, 2019; in the presence of the attorneys for the Plaintiffs and the attorneys for the Defendants; and The Court having previously stated that on May 8, 2019, it will host, and counsel for the Parties will present, a "Medicine/Science Tutorial" to provide The Court with case historical and medical information to familiarize The Court, in a broad sense, with the pertinent medical and scientific issues anticipated to be encountered in these cases; and it further appearing that given the early stage of the litigation in this MCL, and to avoid duplication of issues and/or presenting in an overly adversarial manner, the Parties have agreed to the following ground rules which will govern this Medicine/Science Tutorial:

1. The Parties have agreed that the topics to be discussed at the Medicine/Science Tutorial may include: (1) introduction to the products involved; (2) summary of litigation history and update on the status of MDL 2782 (3) anticipated number of cases, including a breakdown of types of cases (e.g. combination products) within the MCL; (4) product design issues; (5) product use in humans, including injuries being alleged by the Plaintiffs; and (6) pertinent

medical and scientific terminology and overview of certain medical and scientific issues associated with the subject products;

2. Because the Medicine/Science Tutorial presentations are purely for The Court's benefit to gather background medical and scientific information, The Court session shall be "off the record," closed to the public and to any persons other than the Parties, admitted counsel for the Parties and Court staff. There will be no court reporter or transcript taken. No recording of the presentation or telephonic access will be permitted.

3. The presentations will be made by the Parties' counsel. No expert witnesses, fact witnesses, or otherwise, will be called.


4. The Parties intend to present in a non-adversarial format and as such will refrain from presenting in an argumentative manner.

5. The format may be lecture-style presentations that may incorporate the use of PowerPoints or other demonstrative aids, which will not be exchanged by the Parties, but which may be provided to The Court *ex parte* upon the conclusion of the Medicine/Science Tutorial Session.

6. No PowerPoint presentations or other demonstrative aids, shall be discoverable, admissible, used in any fashion for impeachment purposes or for collateral attack on any presenter's case, shared beyond the instant litigation, or used for any purpose other than for this Court's benefit to gather informal knowledge at the Medicine/Science Tutorial Session. This agreement notwithstanding, the Parties agree that nothing in this Stipulation will preclude a Party from using its own materials on its own behalf in any trial in this matter.

7. The Plaintiffs' Executive Committee will have 1½ hours and the Defendants will have 1½ hours for their respective presentations. The Plaintiffs' Executive Committee will present first and the Defendants will present second.

IT IS SO ORDERED.



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