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**FILED**

**JUL 26 2017**

**Judge James F. Hyland**

IN RE: PROPECIA® LITIGATION

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 623

**CASE MANAGEMENT ORDER NO. 12**

THIS MATTER, having come before the Court at a case management conference on July 19, 2017, concerning the status of this litigation, and for good cause having been shown;

IT IS on this 26<sup>th</sup> day of July, 2017, ORDERED as follows:

1. **Attorney Appearances** – Attorney Victoria Maniatis appeared on behalf of Plaintiffs. Attorneys Charles Morrow and Eileen Oakes Muskett appeared on behalf of the Merck Defendants. Attorney Jennifer Suh appeared on behalf of the Bosley Defendants.
2. **Filings** – the Court advised the parties to file all items in hard copy format, as e-filing is not available for mass tort proceedings.
3. **Pro Hac Vice Admissions** –there are six attorneys, sponsored by the Sanders Viener firm, with outstanding compliance issues for pro hac vice admissions.

4. **Bellwether Case Update** – the parties provided the Court with an update on the bellwether case selection process:
- a. Mr. Morrow stated that each side should have an equal number of bellwether case selections. The Court reaffirmed that each side would have four bellwether case selections.
  - b. Mr. Morrow explained that Plaintiffs have dismissed the final bellwether case selected by Merck on numerous occasions, and advised the Court that Merck was waiting to hear from Plaintiffs with respect to the most recent selection made by Merck. If Plaintiffs advise Merck that they will be dismissing this most recent selection, the Court will permit Merck to identify its fourth bellwether case selection by July 31, 2017. If Plaintiffs dismiss that case and the parties cannot agree on a replacement, the Court will select the final bellwether case.
  - c. The parties are to provide the Court with a current list of the bellwether cases.
  - d. The parties discussed the status of bellwether case discovery, explained that commissions had been required to conduct depositions, and stated that the parties had worked diligently to conduct discovery but that an extension of discovery was needed. The Court will permit an extension of discovery for the bellwether cases to September 29, 2017.
5. **Plaintiff Certification Process (Case Management Order Nos. 7-8)** – the Court advised that it had not received any certifications since the parties last appeared in May 2017. Mr. Morrow stated that Merck has not received the required certifications in 98 cases which had a deadline of as June 15, 2017, and asked that those cases be dismissed for failure to comply with the Court's Orders. Ms. Maniatis asked for a list of the 98

cases to address compliance. The Court stated that Ms. Maniatis should be given the list of the 98 cases today (July 19, 2017), and if the certifications are not submitted by July 27, 2017, the cases will be dismissed.

6. The Court set the next Case Management Conference for September 13, 2017, at 10:00 a.m. EST.

  
James F. Hyland, J.S.C.