

**FILED**

**SEP 19 2017**

Judge James F. Hyland

**IN RE: PROPECIA® LITIGATION**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY**

CASE NO. 623

CIVIL ACTION

**SECOND AMENDED CASE  
MANAGEMENT ORDER No. 6**

**THIS MATTER** having come before the Court at a case management conference on September 13, 2017, concerning the management of pending New Jersey state cases in the above litigation, and counsel, having advised the Court of the status of discovery of the bellwether trial cases and the need to select additional cases for case-specific discovery and having met and discussed a second amendment to Case Management Order No. 6, and for good cause having been shown;

IT IS on this 19<sup>th</sup> day of September, 2017,

**ORDERED** as follows:

1. Case Management Order No. 6 shall be amended as set forth in this Order. All other provisions of Case Management Order No. 6 remain in effect.
2. The Parties agree to proceed with a Trial Pool consisting of eight (8) cases. Currently, five (5) cases constitute the Trial Pool.
3. No later than Wednesday, September 20, 2017, at 5:00 p.m. Eastern Standard Time, Defendants shall provide to the Court three (3) case selections to complete the Trial Pool of eight (8) cases. If the case selections for the Trial Pool are not provided by the September 20<sup>th</sup> deadline, the Court will select three (3) cases to complete the Trial Pool.

4. Case-specific discovery on cases previously selected for the Trial Pool has commenced and case-specific discovery as to all cases in the Trial Pool shall be completed by December 31, 2017.


5. No later than January 18, 2018, at 12:00 p.m. Eastern Standard Time, each Party shall provide to the Court a statement ranking its top two (2) trial-ready cases in the Trial Pool and identifying the reasons the selected cases constitute a representative bellwether trial case.

6. No later than February 8, 2018, the Court shall select two (2) cases from the Trial Pool for further discovery. The Court will conduct a case management conference after February 8, 2018 to address additional scheduling deadlines, including a trial date, for the selected bellwether trial case.

7. Prior to March 8, 2018, the Parties shall meet and confer to determine whether there are any choice of law issues that need to be resolved by the Court. In the event choice of law motions are necessary, the following schedule shall apply to such motions:

- a. Any choice of law motion shall be filed no later than March 20, 2018;
- b. Opposition papers shall be filed no later than April 3, 2018;
- c. Reply papers, if any, shall be filed no later than April 10, 2018;
- d. Oral argument on the choice of law issue, if any, shall be conducted in accordance with the Court's calendar.

8. A copy of this order shall be posted online by the Court.

  
HON. JAMES F. HYLAND, J.S.C.