FILED

FEB 20 2013

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 296
MASTER DOCKET NO.:BER-L-936-13

IN RE Stryker Rejuvenate & ABG II

Hip Implant LITIGATION

CIVIL ACTION
CASE MANAGEMENT ORDER #1

All prior orders remain in full force and effect except as modified by this Order

This Matter having been assigned to the Honorable Brian R. Martinotti, J.S.C. pursuant to the Supreme Court's Order of January 24, 2013, designating this matter for Multicounty Litigation Status ("MCL") of Stryker Rejuvenate & ABG II Hip Implant Litigation, (hereinafter referred to as "Stryker") and the Court having entered an Initial Case Management Order ("CMO") on January 22, 2013, scheduling an Initial Case Management Conference ("CMC") on February 20, 2013, having reviewed the proposed agenda, conducting a CMC, counsel appearing, for good cause shown and for the reasons set forth on the record.

IT IS on this 20th day of February, 2013,

ORDERED,

CASE MANAGEMENT:

1. Counsel for all parties shall meet and confer within thirty (30) days in an attempt to reach an agreement on the following issues:

- preliminary disclosure form
- long form complaint/answer
- short form complaint/answer

- the form and content of a Plaintiff/Defendant fact sheet
- the scope, parameters and timing for service of written discovery
- terms of a Protective Order

2. Designation of Plaintiffs' Steering Committee/Liaison Counsel.

There shall be a committee of five Plaintiffs lawyers which shall be known as the Plaintiffs' Steering Committee, which shall act as a representative of Plaintiffs' counsel. The Court has received and reviewed applications, pursuant to the Initial CMO from various Plaintiffs' firms [Jesse N. Bernheim (Kelley Bernheim Dolinsky LLC), David J. Szerlag (Pritzker Olsen), Ellen Relkin (Weitz & Luxenberg, P.C.), Cal Warriner (Searcy, Denney, Scarola, Barnhart & Shipley, P.A.)] seeking appointment to this committee. The Court hereby appoints Ellen Relkin, Weitz & Luxenberg PC, as chair of Plaintiffs' Steering Committee. The Court also appoints Cal Warriner, Searcy, Denney, Scarola, Barnhart & Shipley, P.A., as a member of the committee. Plaintiffs' counsel shall meet and confer within the next seven (7) days and designate the other three (3) individuals who shall serve on this committee. At least one (1) of these individuals shall be from New Jersey. The factors to be considered to serve on this committee are as follows:

a. willingness and ability to commit to a time-consuming process;

b. ability to work cooperatively with others;

c. professional experience in this type of litigation;

d. access to sufficient resources to advance the litigation in a timely manner; and

e. number of cases filed.

As chair of the Plaintiffs' Steering Committee, Ms. Relkin shall be liaison between the Court, defense counsel, Plaintiffs' Steering Committee, and all other Plaintiffs' counsel; shall disseminate and distribute information, notices, and e-mails to all Plaintiffs' counsel; shall periodically meet with all Plaintiffs' counsel; shall prepare all agenda for case management conferences; and shall interact with and coordinate with the Court and any Federal (MDL) and other state court counsel, should matters be filed in other states or federal courts. Ms. Relkin shall advise the Court of the proposed individuals to serve on the committee. The Court will review same and, if appropriate, approve within one (1) day of receipt. Furthermore, Ms. Relkin shall be responsible designating and selecting Plaintiffs' counsel to serve on any sub-committee that may be formed. Any such sub-committee shall first be approved by the Court.

3. Counsel shall meet and confer and discuss the use of Lexis/Nexis.

4. All new complaints shall be served within thirty (30) days of filing. Defense counsel shall meet and confer with Defendant and advise the Court within fourteen (14) days if the Defendant will accept service of newly filed complaints.

5. Liaison counsel and defense counsel shall meet and confer to discuss mediation and shall advise the Court within fourteen (14) days.

6. The time in which to answer any filed and served complaint is hereby stayed until ten days after the "forms" are agreed upon or when an answer is due pursuant to the Court Rule which ever is later.

GENERAL:

1. The next Case Management Conference is scheduled for March 19, 2013, at 10:00 a.m. Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.

2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.

3. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.

4. The Court directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.

5. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.

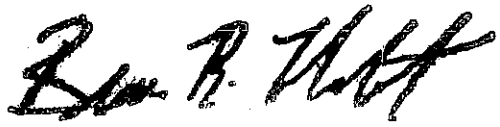
6. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Michel Szponder at Michel.Szponder@judiciary.state.nj.us and Stephanie Gino at Stephanie.Gino@judiciary.state.nj.us.

7. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.

8. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.

9. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.

10. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.



BRIAN R. MARTINOTTI, J.S.C.