FILED

MAY 1 5 2013

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE Stryker Rejuvenate & ABG II

Hip Implant LITIGATION

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

CIVIL ACTION
CASE MANAGEMENT ORDER #5

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 reviewed the proposed agenda, conducting a CMC on May 15, 2013, counsel appearing, for good cause shown and for the reasons set forth on the record,

IT IS on this 15th day of May 2013,

ORDERED,

I. COMPLIANCE WITH PRIOR ORDERS:

1. ORDERS ENTERED SINCE CMO #4:

    A. CMO #4.1, dated April 29, 2013, amending CMO #4 regarding the implementing order for the short and long for complaints

    B. Amended Implementing Order, dated April 29, 2013

C. Implementing Order, dated May 15, 2013, implementing long and short form answers

2. COMPLIANCE:

A. Counsel have met and are continuing to meet on the following: [Counsel's request to extend this time set forth in CMO #4 and #4.1 is GRANTED.]

i. Answer (short and long form): **Received May 10, 2013; Implementing Order entered May 15, 2013**

ii. Plaintiff Fact Sheet: **The Court has received emails concerning the terms of the Plaintiff Fact Sheet. Counsel should complete the Plaintiff Fact Sheet reflecting the Court's decision by May 20, 2013.**

iii. Defendant Fact Sheet: **To be completed by June 14, 2013.**

iv. Scope, parameters and timing for service of written discovery: **Parties may serve discovery requests compliant with court rules and shall continue to meet and confer regarding discovery.**

v. Protective Order: **To be submitted by June 14, 2013**

II. CASE MANAGEMENT:

1. All new complaints shall be served within thirty (30) days of receipt of a filed copy from the Court.

2. Plaintiffs who have elected to be eligible to participate in Phase I Mediation as set forth in the Initial Mediation Order shall serve completed Fact Sheets on Defendant and Liaison Counsel no later than July 10, 2013.

3. Plaintiffs not referenced in paragraph (2) above who served their complaints prior to entry of this Order shall serve completed Fact Sheets on Defendants and Liaison Counsel by August 12, 2013.

4. All other Plaintiffs shall serve completed Fact Sheets on Defendant and Liaison Counsel within sixty (60) days of service of the complaint.

5. Parties are required to comply with CMO #3 regarding the service of preliminary disclosure forms. (See CMO #3, paragraph (I)(2)(A)(i).)

III. GENERAL:

1. The next Case Management Conference is scheduled for June 18, 2013, at 10:00am. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**

2. *Pro hac vice* motions shall not be filed until complaint is filed and served on Defendants.

3. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.

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

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

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

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

8. 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.

9. 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.

10. 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.

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

12. 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.