SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

FILED

JUL 21 2011

JUDGE JESSICA R. MAYER

CASE NO. 294

IN RE PLAVIX® LITIGATION

CIVIL ACTION

INITIAL ORDER FOR CASE MANAGEMENT

This matter having been opened by the court on its own motion, and in furtherance of the Order of the Supreme Court of New Jersey dated July 12, 2011, ordering centralized case management of PLAVIX® litigation, and good cause existing for the entry of this order pursuant to R. 4:38A,

IT IS on this 21st day of July, 2011 ORDERED as follows:

1. Effect of This Order.

(a) Applicability. This order applies to all PLAVIX® litigation actions centralized for coordinated management in the Middlesex County Vicinage, and to all those hereinafter filed or transferred to the Middlesex County Vicinage pursuant to the New Jersey Supreme Court's Order dated July 12, 2011. The actions are centralized to avoid duplication and to prevent conflicts. Each action will retain its own docket number.

(b) Transfer of Files. All court files, including pleadings, motions, and other papers, shall be transferred from the original vicinage of venue to the Mass Tort Section of the Middlesex County Vicinage as soon as practicable.

(c) Stay. All motions pending in any vicinage are stayed until further order of the court. The filing of motions are stayed until further order of the court.

2. Initial Conference. All parties shall appear for a case management conference with the undersigned at 10:00 a.m. on August 16, 2011 in Courtroom 403 at the Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey.

(a) Attendance. All parties shall attend the conference. To the extent practicable, parties with similar interests are expected to select one attorney to act on their joint behalf at the conference. Designation of such attorney for purposes of this conference shall not preclude other representation during the litigation; nor shall any party, in attending the conference, thereby waive any objection to jurisdiction, venue, or service.

(b) Service List. This order is being mailed to the persons shown on Attachment 1. Counsel on this list are requested to forward a copy of this order to other attorneys who should be notified of the conference, and to notify court staff immediately of any necessary additions or corrections to the list. An updated service list will be prepared after the conference.

(c) Other Participants. Persons who are not named as parties in this litigation but who may later be joined as parties, or are parties in related litigation pending in other federal and state courts, are invited to attend.

(d) Agenda. A tentative agenda is appended as Attachment 2. Counsel shall advise the court of any additional issues for consideration by 12:00 noon no later than seven (7) days prior to the conference.

3. Preparations for Conference.

(a) Initial Conference of Counsel. Before the conference, counsel shall meet, confer and seek consensus with respect to the items on the agenda.

(b) Statements. Counsel will submit to the court by 12:00 noon at least seven (7) days prior to the conference, a brief written statement (not to exceed three (3) pages) containing the following information, to the extent known:

1. List of all companies affiliated with the parties, and counsel associated in the litigation, to assist the court in identifying any problems of recusal or disqualification;

2. List of all related actions pending in state or federal court and their current status;

3. Status of discovery including digital information identification, collection, and preservation;

4. Status of settlement negotiations, settlement demands, mediation, and prospects for settlement.

These statements will not be filed with the clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings.

4. Interim Measures. Until otherwise ordered by the court:

(a) Duty to Preserve. Each party shall preserve all documents and other records, including computerized records, containing information potentially relevant to this litigation. No party shall erase computerized data until opposing counsel have been notified of all existing programs and a court order has been obtained. Each party shall preserve any physical evidence or potential evidence and shall not conduct any tests on evidence without notifying opposing counsel. Unless opposing counsel stipulate to the test, no test shall be conducted without prior court approval.

(b) Protective Stipulation/Agreement. The parties should attempt to reach agreement on all issues regarding the necessity for, scope of, and terms of a protective stipulation or agreement covering confidential, privileged, or protected information.

5. Later Filed Actions. This order shall apply to related actions later filed in or transferred to this court.

6. Internet Notice. All orders, notices and other pertinent documents filed with the court common to the entire litigation shall be available on the New Jersey Judiciary Web Page for Mass Tort Litigation, which may be accessed at www.judiciary.state.nj.us/mass-tort/index.htm.

7. Admission *Pro Hac Vice*. Attorneys must be admitted to practice and in good standing in New Jersey, unless admitted *pro hac vice*:

(a) An attorney seeking admission *pro hac vice* shall apply by formal notice of motion or by consent with supporting affidavit and proposed form of order, in compliance with R. 1:21-2 of the Rules Governing the Courts of New Jersey. Motions for admission *pro hac vice* filed with consent of opposing counsel shall be decided at the earliest convenience of the court without the need to be heard on the regular motion calendar. Counsel shall use the *pro hac vice* application form posted on the judiciary's website at http://www.judiciary.state.nj.us/civil/forms/10521.pdf.

(b) In accordance with R. 1:21-2, the attorney seeking admission *pro hac vice* must certify the following to be true:

1) Counsel seeking *pro hac vice* admission has a long-standing relationship with the client on whose behalf he or she wishes to appear, and the client has requested his or her participation in the litigation as attorneys *pro hac vice*.

2) Counsel seeking *pro hac vice* admission is associated with New Jersey counsel of record.

3) Counsel seeking *pro hac vice* admission has reviewed the New Jersey Rules of Court and agrees to comply with said Rules, including all disciplinary rules.

4) Counsel seeking *pro hac vice* admission represents that he or she is a member in good standing of the bar of the highest court of the state where counsel practices; that no disciplinary proceedings are pending against him or her in any jurisdiction and no discipline has previously been imposed against him or her in any jurisdiction; and that counsel understands his or her continuing obligation to advise the court of any disciplinary proceedings.

5) Out-of-state attorneys representing plaintiffs must certify that all retainer agreements with clients in the subject litigation do not, and in the future will not, violate any provisions of the New Jersey Rules of Court.

6) Out-of-state attorneys seeking to represent a corporate defendant must certify as to any prior involvement with that corporation or its related entities, including the capacity in which the attorney was involved. Further, the attorney must include in his or her affidavit a statement of the good faith belief that the attorney was not involved with policy or management

decisions that would require the attorney to be called as a witness in any matter before the court.

(c) Counsel admitted *pro hac vice* may try the action, but shall not be designated trial counsel under R. 4:25-4. No proceedings shall be adjourned because *pro hac vice* counsel is unavailable.

(d) All pleadings, motions and correspondence to the court must be submitted by New Jersey counsel, unless the court specifically waives this provision.

(e) *Pro hac vice* counsel must be accompanied by a member of the New Jersey Bar at all proceedings.

(f) Counsel admitted *pro hac vice* shall consent to the appointment of the Clerk of the Supreme Court of New Jersey as an agent upon whom service of process may be made for all actions against their firm that may arise out of their participation in this matter.

(g) Counsel admitted *pro hac vice* shall be required to make annual payments to the Disciplinary Oversight Committee (R. 1:20-1(b)), the New Jersey Lawyers' Fund for Client Protection (R. 1:28-2(a)), and the New Jersey Lawyers Assistance Program (R. 1:28B-1(e)).

(h) Counsel admitted *pro hac vice* must within ten (10) days of the entry of the order for admission, pay the fees required by R. 1:20-1(b), R. 1:28-2 and R. 1:28B-1(e) and submit affidavits of compliance within fifteen (15) days thereafter. During the pendency of these matters counsel admitted *pro hac vice* shall continue to comply with R. 1:20-1(b), 1:28-2 and 1:28B-1(e) on an annual basis and shall submit affidavits of compliance within thirty (30) days of such compliance.

(i) Admission *pro hac vice* shall be automatically terminated for failure to make any required annual payment, upon appropriate notification from the Administrative Office of the Courts that the annual payment has not been made. Proof of such payment, after filing proof of the initial payment, shall be made no later than February 1 of each year.

(j) Noncompliance with any of the requirements of *pro hac vice* admission shall constitute grounds for removal.

8. Captions, Pleadings, and Fees.

(a) All parties shall file individual actions at the Superior Court of New Jersey, Middlesex County Court House, ATTN: Mass Tort, 56 Paterson Street, P.O. Box 2633, New Brunswick, NJ 08903. The Case Information Statement accompanying the pleading shall identify the case type as 294. Filing fees shall be paid pursuant to the Rules of Court and N.J.S.A. 22A:2-6 and -7.

(b) Each action shall be limited to one plaintiff or a related household of plaintiffs. No plaintiff shall use the centralized case caption on an individual complaint.

(c) All pleadings, motion papers, and correspondence shall add the designation "CM" after the docket number indicating Centralized Case Management and under the caption Civil Action shall add the title of this litigation, "In Re PLAVIX® Litigation."

(d) The Middlesex County Vicinage shall maintain a master docket and case file caption under the style "In Re PLAVIX® Litigation" master file number. All orders, pleadings, and other papers filed therein are deemed filed and docketed in each individual action.

(e) Counsel for plaintiffs shall provide to the court an official service list updated every sixty (60) days. The list shall contain the case names, docket numbers and the filing dates. For each party, counsel shall be identified by name, firm name, address, telephone number, telecopy number and e-mail address. The court shall maintain an official counsel list on the Mass Tort Litigation website for the purpose of facilitating service of documents.

(f) Counsel lists shall not be appended to any court submission. The counsel list shall be incorporated by reference on all certifications of service, pleadings, motions and correspondence. The reference should be to all counsel on the last official service list as found on the Judicial Web Page for Mass Tort Litigation.

9. Case Management Conferences.

(a) The court shall conduct periodic status, scheduling, and case management conferences to assess the progress regarding the matters scheduled herein. To the extent practicable, these conferences will be held every thirty (30) days. Reasonable notice of all such conferences will be provided to all counsel of record.

(b) Counsel shall submit a joint agenda to the court listing the issues for the case management conference by 12:00 noon at least seven (7) days prior to the scheduled conference. The parties shall meet and confer regarding the issues to presented to the court at the case management conference.

(c) All conferences or parts thereof will be on the record and recorded. Anyone desiring a transcript may order one directly from the Middlesex County Transcription Department. Counsel may also provide a private reporter. In any proceeding in which a transcript is ordered, either from the court or a private reporter, counsel shall ensure that one copy of the transcript is also filed with the court.

(d) Counsel appearing at each conference shall sign an attendance sheet, be familiar with the issues to be discussed, and not schedule other matters for the date and time of the conference.

(e) All counsel are required to comply with the provisions of each case management order whether or not he or she was in attendance at the conference giving rise to the order.

10. Motions.

(a) All motions are to be filed with Superior Court of New Jersey, Middlesex County Court House, ATTN: Mass Tort, 56 Paterson Street, P.O. Box 2633, New Brunswick, NJ 08903. All motion papers shall include a return date, scheduled in accordance with the Rules of Court. Courtesy copies for the judge and two law clerks are required.

(b) All motions shall be filed by 12:00 noon on the due date for the motion.

(c) Any motion that is applicable to more than one case shall list on the first page each docket number affected; or if all cases, the notation "Applicable To All Cases" with a list of docket numbers attached as Schedule "A" to the notice of motion. Filing fees associated with motions shall be paid pursuant to the Rules of Court and N.J.S.A. 22A:2-6 and -7. A separate fee shall be required for each docket number affected by a motion.

(d) Movants shall file an original and one copy of each Notice of Motion, supporting documents and proposed form of order with the Mass Tort Section. One additional copy of these papers along with a self-addressed envelope with sufficient postage may be supplied if a request is made for a return of that copy marked "filed."

(e) A proposed form of order shall be submitted for all motions.

(f) No dispositive motions pursuant to R. 4:46 shall be filed before discovery is complete without the court's permission. Dispositive motions, *in limine* motions, choice of law motions and Kemp motions shall be filed as scheduled by the court during case management conferences.

(g) Counsel shall not file any discovery motions without first meeting and conferring to try to resolve the discovery dispute. If the issue cannot be resolved, counsel shall include this issue in the next scheduled case management conference agenda.

(h) Oral argument shall be governed by R. 1:6-2.

Hon. Jessica R. Mayer, J.S.C.

Attachment 1: Service List For Conference Scheduled on August 16, 2011

Thomas J. Preuss, Esq.
Wagstaff & Cartmell LLP
4740 Grand Avenue
Suite 300
Kansas City, MO 64112

David L. Harris, Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068

Attachment 2: Agenda For Conference Scheduled on August 16, 2011

CASE CONFERENCE

The Honorable Jessica R. Mayer, J.S.C. will hold a case management conference at 10:00 a.m. on August 16, 2011 in Courtroom 403 at the Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey. At this conference, the court will discuss:

1. Liaison counsel;
2. Master complaint form;
3. Filing of answers;
4. Initial discovery issues;
5. Timeline of key dates;
6. Types of injury claimed;
7. List of characteristics that may be representative of different groups of plaintiffs, such as age, gender, pre-existing conditions and other information useful for the construction of a court database for all filed cases;
8. Miscellaneous issues.

Hon. Jessica R. Mayer, J.S.C.