FILED

MAY 10 2011

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 293
MASTER DOCKET NO.:BER-L-3971-11

IN RE DePuy ASR™ Hip Implants

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 April 12, 2011 ordering centralized case management of DePuy ASR ™ Hip Implants, (hereinafter referred to as "DePuy") and the Court having conducted an initial Case Management Conference on May 10, 2011, having reviewed the proposed agenda, counsel appearing, for good cause shown and for the reasons set forth on the record. [Plaintiffs' counsel having met, conferred and voted on designation of Lead Counsel]

IT IS on this 10th day of May, 2011,

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: [Counsel is encouraged to utilize the forms and orders entered in the MDL.]

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

Katz, U.S.D.J., Presiding Judge for the MDL. Counsel shall submit a proposed agenda 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 directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.

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

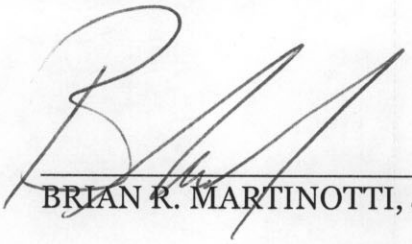
5. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Michel Szponder at Michel.Szponder@judiciary.state,nj.us.

5. 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 pm. 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.

6. 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.

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

8. 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.

- terms of a Protective Order

2. Designation of Plaintiffs' Lead Counsel.

By agreement of Plaintiffs' counsel, the following lawyers are hereby designated as Lead Counsel:

1. Seeger Weiss LLP. /David R. Buchanan
2. Keefe Bartels/John E. Keefe
3. Wilentz, Goldman PA./Daniel R. Lapinski

On the Court's own motion, Mr. Buchanan is designated as Liaison Lead Counsel. Lead Counsel shall be a liaison between the Court, defense counsel and all Plaintiffs counsel, shall disseminate and distribute information, notices and e-mails to all Plaintiffs' counsel, shall periodically meet with all Plaintiffs' counsel and shall prepare all agenda for case management conferences and shall interact with and coordinate with MDL counsel and the Court. Furthermore, Lead Counsel 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. The Court has entered *pro hoc vice* orders for Altom M. Maglio andBrian S. Franciskato.

GENERAL:

1. The next Case Management Conference is scheduled for June 1, 2011 at 1:00 p.m. This shall be a joint conference with The Honorable David A.