FILED

SEP 19 2012

BRIAN R. MARTINOTTI
J.S.C.

IN RE DEPUY ASR™ HIP IMPLANTS LITIGATION	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY CASE CODE 293 MASTER DOCKET NO.: BER-L-3971-11 CIVIL ACTION
This Document Relates to All Actions	**CASE MANAGEMENT ORDER NO. 16**

The parties have appeared before the Court at the Case Management Conferences on July 26, 2012, and September 18, 2012, through liaison counsel and for good cause shown,

IT IS on this 19th day of September, 2012

ORDERED,

1. The first trial setting is September 9, 2013.

2. The second trial setting is October 21, 2013.

3. The following procedures shall be used in selecting cases for discovery and trial.

4. Counsel for Plaintiffs and Defendants are to each select three ASR revision cases as Bellwether Trial Candidates for trial by Judge Martinotti. These Bellwether Trial Candidates shall be selected and the case names exchanged on or before October 15, 2012. Bellwether Trial Candidate Cases shall be selected only from those cases pending in the courts of the State of New Jersey involving a revision surgery filed on or before July 26, 2012, where a PFS, signed medical authorization, and medical records required by the PFS have been served upon Defendants on or before July 31, 2012. All three cases cannot have the same Plaintiffs' counsel of record.

5. The parties will have until January 15, 2013, to conduct the following discovery of

the Bellwether Trial Candidate Cases:

(1) The deposition of the Plaintiff;

(2) The deposition of the implanting surgeon;

(3) The deposition of the explanting surgeon;

(4) The deposition of one fact witness per side as necessary to determine whether the case should be designated as a Bellwether Trial Candidate Case.

6. By February 1, 2013, the parties shall prepare and file submissions with the Court as to which of the six Bellwether Trial Candidate Cases should be designated as the cases to be tried in the Bellwether Trials. The parties are directed in their submissions to explain the case facts and characteristics supporting the designation of the case as a Bellwether Trial Case. The Court encourages the parties to agree upon the cases to be designated as Bellwether Trial Case(s).

7. If the parties do not agree upon the case(s) to be designated as Bellwether Trials for the two trial settings in September and October, 2013, on or before February 15, 2013, the Court will select the cases to be tried in September and October 2013. Once designated as a Bellwether Trial Case, for either the September 2013 or October 2013 Bellwether Trial, Plaintiff may not dismiss the case except with prejudice.

8. For the September 2013 Bellwether Trial, the parties will complete all remaining discovery, including expert discovery, by July 19, 2013. Plaintiff shall identify all experts and provide reports pursuant to Rule 4:10-2(d)(1) on or before May 1, 2013. Proposed dates for the depositions of all experts shall be provided with the expert reports. Defendants shall identify all experts, and provide their reports, on or before June 14, 2013. Proposed dates for the depositions of all experts shall be provided with the expert reports.

9. For the October 2013 Bellwether Trial, the parties will complete all remaining discovery, including expert discovery, by August 23, 2012. Plaintiff shall identify all experts and provide reports pursuant to Rule 4:10-2(d)(1) on or before June 3, 2013. Proposed dates for the depositions of all experts shall be provided with the expert reports. Defendants shall identify all experts, and provide their reports, on or before July 19, 2013. Proposed dates for the depositions of all experts shall be provided with the expert reports.

10. The Court will issue a subsequent Trial Order setting forth the preparation of a Final Pre-Trial Order, identification of fact and expert witnesses, exchange of exhibits and deposition designations, and the filing of evidentiary motions.

Honorable Brian R. Martinotti, J.S.C.