FILED

FEB 27 2013

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 #17

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 this Court having conducted a Case Management Conference on February 27, 2013 [The court having entered an order on September 19, 2013 setting forth a trial/discovery schedule, the court has been in contact with counsel via Email, the dates set forth in CMO #16 are modified, See § 3 infra,] having reviewed the proposed agenda, counsel appearing including but not limited to, liaison counsel, Seeger Weiss LLP /David R. Buchanan; Wilentz, Goldman P.A./Daniel R. Lapinski, for good cause shown and for the reasons set forth on the record,

IT IS on this 27th day of February, 2013,

ORDERED,

Compliance with Prior Order

1. The following orders have been entered since the last Case Management Conference: None.

CASE MANAGEMENT/STATUS:

1. Discovery.

Counsel shall continue to meet and confer regarding any discovery deficiencies.

2. Docket Update – NJ and Beyond.

[Trial dates have been scheduled in Illinois (February 2013-pretrial proceedings are under way), Maryland (June 2013), California (Pending). The MDL trials are scheduled for May 6 and July 8, 2013.]

3. Bellwether Trial Selection and Trial Date.

The dates set forth in the September 19, 2012 order are modified as follows:

a. 2/28/13 deadline for submissions to court as to trial picks extended to 3/8/13.

b. 3/8/2013 deadline for the court to select the final bellwether cases for trial extended to 3/15/13.

4. All counsel shall keep discover current; Plaintiff counsel shall ensure that plaintiff fact sheets are updated and accurate.

5. Parties to meet and confer about a new "disclosure form" and shall submit same within 7 days.

6. Dr. Pollice's deposition, at plaintiffs counsel request, shall be adjourned to a date after March 15, 2013 but before March 31, 2013 and shall proceed on that date if a case in which he is involved is selected by the court. Plaintiffs shall be responsible for all costs associated with this adjournment, shall advise Dr. Pollice that it was their request to adjourn

the deposition, and shall reimburse the defendants $1,500.00 to Dr. Pollice.

GENERAL:

1. The next Case Management Conference is scheduled for March 26, 2013 10am. 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.

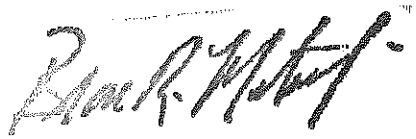
5. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 pm. will be deemed received at 9:00 a.m. on the next day Court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