FILED

APR 17 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 #19

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 April 17, 2013, having reviewed the proposed agenda, counsel appearing including but not limited to, liaison counsel, Seeger Weiss LLP /David R. Buchanan; Keefe Bartels/John E. Keefe; Wilentz, Goldman P.A./Daniel R. Lapinski, for good cause shown and for the reasons set forth on the record,

IT IS on this 17th day of April, 2013,

ORDERED,

COMPLIANCE WITH PRIOR ORDER

1. The following orders have been entered since the last Case Management Conference: CMO #18 (amended disclosure).

2. Parties have met and conferred about a new "disclosure form" and have submitted same.

CASE MANAGEMENT/STATUS:

1. Discovery.

Counsel shall meet and confer regarding any discovery deficiencies.

2. Docket Update – NJ and Beyond.
    a. There have been two trials to verdict: California and Illinois.
    b. The first New Jersey trial is set for October 15, 2013.

3. Bellwether Trial Selection and Trial Date
    a. The Court has received counsel's submissions of March 8, 2013, addressing trial selection; the first case to be tried in New Jersey is MacDonald (BER-L-1856-12); followed by Coughlin (BER-L-5353-12) and Gullo (BER-L-0499-12).
    b. The dates set forth in the February 27, 2013 Order are modified as follows:
        i. McDonald: Discovery is governed by CMO 16 unless counsel agrees to modify same and shall notify Court within fourteen (14) days.

ii. Coughlin and Gullo: Cases will be tried together on January 13, 2014. Defendants' objection to a joint trial is noted, and request to file a motion addressing this issue is GRANTED. The briefing schedule for this motion will be addressed at the next CMC.

4. All counsel shall keep discovery current; Plaintiffs' counsel shall ensure that plaintiff fact sheets are updated and accurate.

GENERAL:

1. The next Case Management Conference is scheduled for May 28, 2013, at 1:30pm. Counsel shall submit a proposed agenda seven (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.

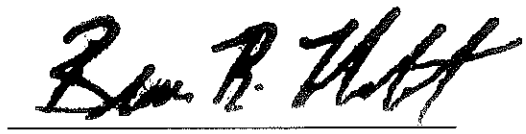
5. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 pm. will be deemed received at 9:00 a.m. on the

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.