FILED

JUN 01 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 #2

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 Joint MDL/State Court Case Management Conference on June 1, 2011, the Honorable David A. Katz, U.S.D.J. presiding, 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 1st day of June, 2011,

ORDERED,

CASE MANAGEMENT:

[The Court does note that deadlines set forth in Case Management Order #1 have not yet expired.]

1. Counsel for all parties shall have been meeting and conferring 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
- terms of a Protective Order
- short form Complaint/Answer [this was added at the Joint Case Management Conference]

The time frame set forth in CMO #1 are extended for twenty-one (21) days from the date of this Order.

GENERAL:

1. The next Case Management Conference is scheduled for July 21, 2011 at 10:00 a.m. 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.