FILED

JUL 11 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 #22

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 July 11, 2013, having reviewed the proposed agenda, counsel appearing including but not limited to, liaison counsel, Drinker Biddle/Susan M. Sharko; 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 11th day of July 2013,

ORDERED,

COMPLIANCE WITH PRIOR ORDER

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

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CASE MANAGEMENT/STATUS:

1. Discovery.

Counsel shall meet and confer regarding any discovery issues.

2. Docket Update – NJ and Beyond.
    a. An MDL trial will take place before Judge Katz beginning September 9, 2013.
    b. The first New Jersey trial is set for October 21, 2013, as per CMO #20.

3. Bellwether Trial Selection and Trial Date
    a. 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) subject to the decision on Defendants' pending motion for separate trials.
    b. McDonald: Counsel shall submit a proposed pretrial order within seven (7) days.
    c. Coughlin and Gullo: The Court heard oral argument on Defendants' motion for separate trials. Decision RESERVED. Counsel shall supplement their briefs within seven (7) days, arguing or setting forth the percentage of the trial which they believe will consist of generic versus plaintiff-specific testimony, as well as their

arguments as to the possibility of two (2) juries hearing the generic evidence simultaneously before being separated for the plaintiff-specific portion of the trial.

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 August 21, 2013, at 10:30am. 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. Counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to Email liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition you must confirm you appearance, immediately following the proceeding. Absent the above, counsel's appearance will not be noted.

4. The Court directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.

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

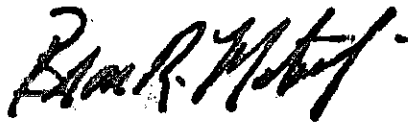
6. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Kelly Gibson at Kelly.Gibson@judiciary.state.nj.us.

7. 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.

8. 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.

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

10. 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.