FILED

JUN 2 3 2015

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 #35

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 June 23, 2015, the following order is hereby entered:

IT IS on this 23rd day of June 2015,

ORDERED,

CASE MANAGEMENT

[Counsel provided the Court with an update.]

1. Docket Report

a. There are 348 cases[1] on the docket; of those, 291 are unrevised. 218 have agreed to dismissals.

b. There are 20 non-compliant Plaintiffs subject to dismissal.

c. There are 52 Plaintiffs who presently want to go forward with their cases.

d. There are 13 cases that were not qualified to participate in the program.

e. There are no Round 2 opt outs in New Jersey. There are 58 plaintiffs who have enrolled in Round 2. There are 2 plaintiffs who are qualified and have extensions to enroll. There are 2 Round 1 opt outs, who chose not to enroll in the settlement program.

2. Counsel shall meet and confer regarding the status of the opt outs from Round 1 and the unrevised and discuss the prosecution and defense of those matters moving forward.

3. The discovery end date in this matter is now December 31, 2015.

GENERAL

1. The Court was presented with the following orders, which will be addressed under the 5-day rule:

   a. Order regarding Non-Compliant Plaintiffs dated June 23, 2015 with attached Schedule A

   b. Stipulated Order of Dismissal without Prejudice for Non-Revised Plaintiffs Under CMO No. 31 dated June 23, 2015

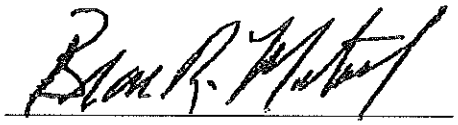
[1] This is the active number of cases, although some plaintiffs may fall in more than one category.

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 your 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 p.m. 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.