FILED

SEP 2 8 2015

BRIAN R. MARTINOTTI

JOAN CHRISMAN Plaintiff, v. DePUY ORTHOPAEDICS, INC. et al., Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-1813-14 CIVIL ACTION
REGINA NAGY Plaintiff, v. DePUY ORTHOPAEDICS, INC. et al., Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-7660-13 CIVIL ACTION
FRANK BIFANO, Plaintiff, v. DePUY ORTHOPAEDICS, INC. et al., Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-6832-12 CIVIL ACTION

CASE MANAGEMENT ORDER NO. 9
[PRE-TRIAL SCHEDULING ORDER]

THIS MATTER having come before the Court pursuant to the Court's June 23, 2015 order, requiring the parties to meet and confer on the submission of a proposed pre-trial order regarding the captioned matters; the parties having met and conferred being unable to agree on a consent order for the captioned matters; on September 16th the parties having submitted

orders regarding the pre-trial discovery, substantive motions and trial date on the captioned matters; the Court having considered the matters, having compared the orders and finding that coordinated discovery on the three matters is warranted the Court hereby adopts the following order[1]:

IT IS on this 28th day of September 2015;

ORDERED as follows:

Pre-trial deadlines and trial shall proceed as follows:

I. PRE-TRIAL DISCOVERY

1. Fact discovery in all the above-captioned trial cases shall be completed by April 8, 2016.

II. EXPERT DISCOVERY SCHEDULED FOR ABOVE CAPTIONED TRIAL CASES

CHRISMAN

1. Plaintiff shall identify all experts and provide reports pursuant to Rule 4:10-2(d)(1) on or before June 24, 2016.
2. Defendants shall identify all experts, and provide their reports, on or before July 29, 2016.

BIFANO

1. Plaintiff shall identify all experts and provide reports pursuant to Rule 4:10-2(d)(1) on or before July 15, 2016.
2. Defendants shall identify all experts, and provide their reports, on or before August 19, 2016.

[1] This Order is without prejudice to the application of Plaintiffs requesting a consolidated trial.

NAGY

1. Plaintiff shall identify all experts and provide reports pursuant to Rule 4:10-2(d)(1) on or before August 5, 2016.
2. Defendants shall identify all experts, and provide their reports, on or before September 9, 2016.
3. No expert may testify at trial unless the individual is identified and a report provided as outlined above.
4. The parties will complete all remaining discovery, including expert discovery, in all the above-captioned trial cases by September 9, 2016.

III. PRE-TRIAL PROCEDURE FOR ABOVE CAPTIONED TRIAL CASES

A. EXHIBITS. The parties shall serve a list of trial exhibits (except demonstrative aids), including a description of each document or other exhibit, document production number (if applicable), and an electronic copy of the exhibits, simultaneously on September 26, 2016.

B. CASE SPECIFIC FACT WITNESSES. The parties shall identify the names and addresses of all the case-specific fact witnesses, as follows:

Deadline	Description
08/01/2016	Plaintiffs shall serve a list of fact witnesses and treating physicians, including, without limitation, separate identification of those witnesses they expect to present live at trial and those the parties may call if the need arises.
08/22/2016	Defendants shall serve a list of fact witnesses and treating physicians, including, without limitation, separate identification of those witnesses they expect to present live at trial and those the parties may call if the need arises.

C. **PRE-TRIAL CONFERENCE.** The date for pre-trial conference will be determined at a Case Management Conference on November 17, 2015.

D. **MOTIONS.** By agreement of the parties, motions to dismiss and for summary judgment, motions *in limine*, motions directed to expert testimony, including Kemp motions, shall be served on the following schedule and shall be heard in advance of trial on dates specially set by the Court as follows:

Deadline	Description
09/19/2016	All discovery to be completed.
09/26/2016	Parties to file all motions to dismiss and for summary judgment, motions *in limine* and motions directed to expert testimony, including Kemp motions (and supporting materials).
10/14/2016	Parties to file oppositions to motions to dismiss and for summary judgment, motions *in limine* and motions directed to expert testimony, including Kemp motions (and supporting materials).
10/21/2016	Parties to file replies in further support of motions to dismiss and for summary judgment, motions *in limine* and motions directed to expert testimony, including Kemp motions (and supporting materials).
TBD by the Court	Oral Argument (as necessary).

E. **PRE-MARKING EXHIBITS.** Prior to trial, each party shall meet with and assist the clerk in marking for identification all exhibits, as directed by the clerk, on or about the date indicated in paragraph G.

F. DEPOSITION DESIGNATIONS AND HEARINGS. Each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony at trial as follows:

Deadline	Description
10/10/2016	The parties shall serve page/line designations of deposition testimony.
10/24/2016	The parties shall serve any page/line counter-designations of deposition testimony, objections to the other party's deposition designations, and affirmative page/line designations of deposition testimony.

G. STATEMENT OF THE CASE, JURY INSTRUCTIONS. The parties shall submit to the Court a joint, agreed statement of the case for presentation to the jury, and shall also submit, with copies to opposing counsel, proposed versions of the written jury instructions, jury questionnaire, and verdict forms no later than October 21, 2016. Each jury instruction (a) shall be on a separate sheet of paper; (b) shall be plainly marked with the name and number of the case; (c) shall contain citations of supporting authorities, if any; (d) shall designate the party submitting the instructions; and (e) shall be numbered in sequence. This paragraph does not foreclose the right of each party to modify instructions, up to and including the instruction conference, at the close of the evidence. Any party that intends to request that the court provide a list of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court. The Chrisman trial will commence on November 7, 2016.

BRIAN R. MARTINOTTI, J.S.C.