FILED

JUL 01 2013

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 297
MASTER DOCKET NO.:BER-L-4098-13

IN RE MIRENA

LITIGATION

CIVIL ACTION
CASE MANAGEMENT ORDER #1

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 May 13, 2013, designating this matter for Multicounty Litigation Status ("MCL") of Mirena Litigation, (hereinafter referred to as "Mirena")[1] and the Court having entered an Initial Case Management Order ("CMO") on May 20, 2013; scheduling an Initial Case Management Conference ("CMC") on June 17, 2013, which, at the request of counsel, was rescheduled to July 1, 2013; having reviewed counsel's submissions from Anapol Schwartz dated June 24, 2013, and June 27, 2013, and from Coughlin Duffy dated June 24, 2013; conducting a CMC; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 1st day of July 2013,

ORDERED,

[1] The Court is cognizant that MDL In re Mirena IUD Products Liability Litigation, MDL No. 2434, is pending before Judge Seibel in the Southern District of New York. This Court is a proponent of federal/state cooperation; all counsel are urged to use their best efforts to coordinate with their counterparts in the MDL matter to avoid duplication of efforts where practicable, specifically but not limited to infra Part I, Paragraph I, Sections (a)-(h).

PART I

CASE MANAGEMENT:

1. Counsel for all parties shall meet and confer within thirty (30) days in an attempt to reach an agreement on the following issues:
    a. short form complaint/answer
    b. the form and content of a Plaintiff/Defendant fact sheet
    c. status, scope, parameters and timing for discovery, including:
        i. service of written discovery
        ii. identification, collection, and preservation of digital information
        iii. list of witnesses expected to testify
    d. terms of a Protective Order
    e. status of mediation and settlement negotiations
    f. anticipated motions
    g. status of proper party stipulation
    h. use of File and ServeXpress

2. Designation of Plaintiffs' Steering Committee ("PSC")/Liaison Counsel.

There shall be a committee of Plaintiffs' lawyers which shall be known as the Plaintiffs' Steering Committee, which shall act as a representative of Plaintiffs' counsel. Plaintiffs' counsel seeking such leadership positions have submitted a joint application on June 27, 2013, which the Court has received and reviewed. The Court GRANTS counsel's application for the following:

a. The PSC has the authority to act on behalf of the New Jersey Plaintiffs' benefit.

b. Liaison Counsel/Chair of the PSC: David R. Buchanan (Seeger Weiss LLP; admitted NJ/NY)

    i. As chair of the Plaintiffs' Steering Committee, Mr. Buchanan shall be liaison between the Court, defense counsel, Plaintiffs' Steering Committee, and all other Plaintiffs' counsel; shall disseminate and distribute information, notices, and e-mails to all Plaintiffs' counsel; shall periodically meet with all Plaintiffs' counsel; shall prepare all agenda for case management conferences; and shall interact with and coordinate with the Court and any Federal (MDL) and other state court counsel, should matters be filed in other states or federal courts.

c. Co-Lead Counsel: Gregory S. Spizer (Anapol Schwartz; admitted NJ/PA); Carmen S. Scott (Motley Rice; admitted South Carolina); Raymond C. Silverman (Parker Waichman; admitted NY)

d. Executive Committee: Mr. Buchanan, as liaison counsel, shall advise the Court of the proposed individuals to serve on this committee by the next CMC. The Court will review same and, if appropriate, approve within one (1) day of receipt. Furthermore, Mr. Buchanan shall be responsible designating and selecting Plaintiffs' counsel to serve on any sub-committee that may be formed. Any such sub-committee shall first be approved by the Court.

3. All new complaints shall be served within twenty-one (21) days of receipt of a docket number from the Court.

PART II

GENERAL:

1. The next Case Management Conference is scheduled for August 13, 2013, at 2:00pm. **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 may, from time to time, conduct phone conferences with defense counsel and liaison counsel.
4. Subject to agreement by and between counsel and with permission from the Court, counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to e-mail 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.
5. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.

6. Counsel is permitted to serve one motion with a schedule of attached cases for *pro hac* admission. However, a separate order per case/docket number and filing fees is required.
7. The Court directs all counsel to R.1:48 and expects all counsel to abide by the parameters set forth therein.
8. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
9. 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 and Stephanie Gino at Stephanie.Gino@judiciary.state.nj.us.
10. 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.
11. 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.
12. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.

13. 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.