FILED

AUG 13 2013

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE MIRENA

LITIGATION

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

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 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 a Case Management Conference ("CMC") on August 13, 2013; having reviewed counsel's joint submissions dated August 5, 2013; conducting a CMC; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 13th day of August 2013,

ORDERED,

PART I

COMPLIANCE WITH PRIOR ORDERS/CASE MANAGEMENT:

1. Orders entered since CMO #1:

    a. Proper Party Stipulation (entered August 12, 2013)

[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 2.

2. See below:

   a. short form complaint/answer: The parties and the Court agree that a short form complaint/answer is not necessary at this stage in the litigation; this may be revisited at the request of either party or on the Court's motion during the pendency of this matter.

   b. the form and content of a Plaintiff/Defendant fact sheet

      i. PFS: The parties have submitted an agreed upon PFS to Judge Siebel in the MDL; Counsel has modified same for this litigation which is being reviewed by Plaintiffs and will be submitted to the court by August 15, 2013.

      ii. DFS: Pending before Judge Siebel is a proposed DFS with three issues in dispute to be addressed by the MDL court at a subsequent CMC.

   c. status, scope, parameters and timing for discovery, including:

      iii. service of written discovery*

      iv. identification, collection, and preservation of digital information*

      v. list of witnesses expected to testify*

   d. terms of a Protective Order: To be submitted by August 15, 2013

   e. status of mediation and settlement negotiations*

   f. anticipated motions*

   g. use of File and ServeXpress: To be addressed at a subsequent CMC at either parties' or the Court's request

*Counsel shall continue to meet and confer on item set for above.

3. Plaintiffs' Steering Committee ("PSC")/Liaison Counsel: See formation/protocols as set forth in CMO #1, Part I (2).

4. All new complaints shall be dispatched for service within twenty-one (21) days of receipt of a docket number from the Court.

5. Deposition protocol: Counsel to meet and confer regarding a deposition protocol to be utilized in this Court and the MDL.

6. Counsel shall meet and confer regarding the framework for a proposed database (dropdown menu) to be constructed by the Court. Once a format is agreed upon, Counsel shall email Ms. Gibson who will contact the IT department of the AOC.

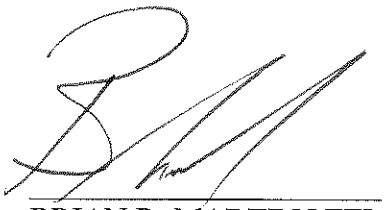
PART II

GENERAL:

1. The next Case Management Conference is scheduled for September 25, 2013, at 2:00pm. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.** Conferences are also scheduled for the following dates: November 20, 2013, at 2:00pm; January 14, 2014, at 2:00pm; February 25, 2014, at 2:00pm; April 1, 2014, at 2:00pm; May 13, 2014, at 2:00pm; and June 24, 2014, at 2:00pm.
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues <u>only.</u>

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.