FILED
APR 01 2014
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 #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 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 April 1, 2014; having reviewed counsel's joint submissions dated March 25, 2014; 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 April 2014,

ORDERED

PART I

ORDERS ENTERED SINCE CASE MANAGEMENT CONFERENCE

On February 25, 2014

1. Order regarding IDP Dates CMO #19 (entered February 26, 2014)

[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. Order Regarding Electronic Service CMO #20 (entered March 13, 2014)
3. Order Approving Short Form Commission Process CMO #21 (entered April 1, 2014)

PART II

COMPLIANCE WITH PRIOR ORDERS

N/A

PART III

CASE MANAGEMENT

1. Defendants shall continue to provide to Plaintiffs each month a list of Plaintiffs who have failed to timely serve Fact Sheets pursuant to CMO #3 and which the Defendants intend to file Motions to Dismiss on. Plaintiffs shall file a Fact Sheet or seek an extension at least two days prior to the Motion Filing Date. If not, Defendants have leave to file a Motion to Dismiss without prejudice, pursuant to CMO #3. Defendants shall file one omnibus motion (with a fee and order for every docket number it applies to). This motion will be returnable on the dates so indicated.

2. The following cases were dismissed on March 28, 2014:
    a. Heather Lee Beseler and Michael Beseler v. Bayer HealthCare Pharmaceuticals Inc.: BER-L-4677-13

b. Montana Powell v. Bayer HealthCare Pharmaceuticals Inc.: BER-L-4685-13

c. Kayla Holland v. Bayer HealthCare Pharmaceuticals Inc.: BER-L-4727-13

d. Amanda Kelly Fisher and Jason Lucas v. Bayer HealthCare Pharmaceuticals Inc.: BER-L-4041-13

These dismissals shall be converted to with prejudice unless Plaintiff files a motion to restore on or before July 28, 2014.

3. Counsel shall meet and confer about the protocol to be followed in cases where there is a "fatal flaw" in the PFS. This protocol shall be published to all Counsel and will be incorporated in a subsequent order, which will be submitted to the Court by April 11, 2014.

4. Counsel have met, conferred, and agreed in principle to an Order regarding production of personnel files as to Domestic Witnesses. The order shall be submitted to the Court by April 8, 2014.

5. The Parties have advised the Court of discovery disputes regarding generic discovery. The Court has granted leave for the Plaintiff to file a motion to compel the production of discovery. That motion will be filed by April 22, 2014. Prior to Defendant's filing a formal response, the Court will have a conference on May 6, 2014 at 11:00 a.m. If the matter cannot be resolved, a briefing schedule will be set.

PART IV

GENERAL:

1. The next Case Management Conference is scheduled for May 13, 2014, at 2:00pm. Liaison Counsel shall report at 1:00 pm. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.** Conferences are also scheduled for the following dates:; June 24, 2014, at 2:00pm; August 5, 2014 at 2:00 p.m.; September 23, 2014 at 2:00 p.m.; October 21, 2014 at 2:00 p.m.; November 18, 2014 at 2:00 p.m.; December 16, 2014 at 2:00 p.m.; January 20, 2015 at 2:00 p.m. and February 24, 2015 at 2:00 p.m.
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.