FILED
AUG 0 5 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 #29

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 5, 2014; having conducted a CMC; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 5th day of August 2014,

ORDERED,

PART I

ORDERS ENTERED SINCE CASE MANAGEMENT CONFERENCE

1. Amended Scheduling Order (CMO #7A) – July 25, 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. Contact with Plaintiffs' Treating Physicians (Stempler) (CMO #28) – August 5, 2014

PART II

COMPLIANCE WITH PRIOR ORDERS

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. Defendants shall submit a list to the Court and Counsel that Defendants contend are time barred based upon the Statute of Limitations, as well as the home state of each Plaintiff. This list shall be submitted to the Court with the agenda for the next Case Management Conference.

3. The deposition of Autumn Harris is scheduled for September 23rd, 2014 at 10:00 a.m. in Bergen County Courthouse, 10 Main St. Room 359, Hackensack, NJ,

07601 unless the parties can agree upon a different place and time prior to September 23rd, 2014.

4. Where there are simultaneous Motions to Dismiss and Motions to Withdraw as Counsel pending, the Motion to Dismiss will be entered first followed by the Motion to Withdraw as Counsel. It is the duty of the Plaintiff's Counsel to forward both notifications to the Plaintiff. After that, it is the responsibility of Defense Counsel to serve all papers on Plaintiff.

PART IV:

OUT OF STATE COMMISSIONS

5. With regard to third party subpoenas directed to non-case specific witnesses in connection with the Mirena MDL proceedings, Defendants hereby confirm that they will not object to the admissibility of any documents/testimony obtained in response to any such subpoenas on the basis that they were issued out of the MDL Court (and not pursuant to a commission/subpoena of this Court). Defendants reserve all other claims/objections they would otherwise have as though the subpoenas were issued out of the NJ Court.
6. Plaintiffs confirm that they will provide a copy of any such subpoenas issued to New Jersey Liaison Counsel Lorna Dotro upon issuance of same and will provide copies of any documents obtained in response to such subpoena to New Jersey Liaison Counsel Lorna Dotro within 21 days of receipt of same. Plaintiffs cannot use the documents in any fashion until produced to Defendants. Any information

(documents/testimony) produced in response to an MDL subpoena hereunder and designated as "Confidential" pursuant to the MDL confidentiality Order shall be treated as "Confidential" in these proceedings in accordance with the August 23, 2013 Confidentiality Order.

PART V:

GENERAL:

7. The next Case Management Conference is scheduled for September 23, 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: 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.
8. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.
9. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.
10. 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.

11. 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.
12. 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.
13. The Court directs all counsel to R.1:48 and expects all counsel to abide by the parameters set forth therein.
14. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
15. 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.
16. 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.

17. 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.
18. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
19. 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.