FILED
SEP 25 2013
BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE: MIRENA® LITIGATION

CASE NO. 297

This Document Relates to All Actions

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

CASE MANAGEMENT ORDER NO. 4

DEFENSE FACT SHEET

This matter, having been opened to the Court by counsel for the Parties, and the Parties having consented, stipulated and agreed to the entry of this Case Management Order, and good cause appearing therefore:

IT IS, on this 25 day of September, 2013, hereby **ORDERED** as follows:

I. Defense Fact Sheet and Responsive Documents.

1. The parties have agreed upon a Defense Fact Sheet ("DFS"), which is attached to this Order as an Exhibit.

2. The DFS includes document requests. Defendant Bayer Healthcare Pharmaceuticals, Inc. ("Defendant") shall produce to Plaintiff a completed DFS and documents responsive to the DFS ("Responsive Documents") pursuant to the terms of this order. "Defendant" in the context of this document shall be defined pursuant to the Agreed Order Regarding Proper Party Defendant and any future amendments thereto.

3. The DFS is a convenient form of propounding interrogatories and requests for production of documents. The completed DFS shall be considered interrogatory answers and responses to requests for production pursuant to the Rules Governing the Courts of the State of

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New Jersey and will be governed by the standards applicable to written discovery under the Rules Governing the Courts of the State of New Jersey . The questions and requests for production contained in these Fact Sheets are non-objectionable and shall be answered without objection. As set forth below in section III, each DFS that is completed must be substantially complete. This section does not prohibit Defendant from withholding or redacting information pursuant to the Preservation and Production Protocol. In the event that a dispute arises concerning the completeness or adequacy of Defendant's response to any request contained in the DFS, this section shall not prohibit Defendant from asserting that his or her response is adequate.

4. Nothing in the DFS shall be deemed to limit the scope of inquiry at depositions and admissibility of evidence at trial. The scope of inquiry at depositions shall remain governed by the Rules Governing the Courts of the State of New Jersey. The admissibility of information in responses to the DFS shall be governed by the Rules Governing the Courts of the State of New Jersey and no objections are waived by virtue of any DFS response.

II. Schedule of Production of DFS.

5. Defendant must serve upon each Plaintiff a completed DFS including Responsive Documents within 60 days of receipt of service of a substantially complete PFS as defined in the PFS CMO that identifies the physician/treater/clinic by name and full address that implanted plaintiff's Mirena IUD and which also identifies the physician/treater/clinic by name and full address that treated plaintiff for her Mirena IUD related injury.

6. Service of the DFS shall be either in hard copy or in an electronic format via email or on CD or USB flash drive via first class mail to Plaintiff and to Plaintiffs' Steering Committee at mirenamdldfs@yourlawyer.com.

III. DFS Must Be Substantially Complete In All Respects

7. Defendant is required to provide Plaintiff with a DFS that is substantially complete in all respects. Substantially complete in all respects requires that Defendant:

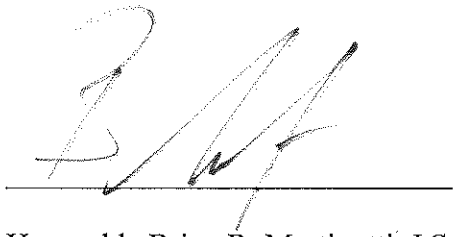
a) Answer all applicable questions in the DFS ;

b) Include a signed Declaration (found at the back of the DFS); and

c) Produce the documents requested in the DFS, to the extent such documents are in Defendant's possession, custody or control.

IV. Non-compliance with DFS Requirements.

8. If a Plaintiff in a particular case has not received a DFS that is substantially complete within 30 days following the due date set forth herein, Plaintiff will send a Notice of Overdue Discovery to Defendant's counsel identifying the discovery overdue. If Plaintiff has not received a completed DFS within 30 days after serving Defendant with a 30-day notice, Plaintiff may move the Court for an Order compelling Defendant to complete the DFS at issue. While the DFS is deficient, no further discovery of Plaintiff is permitted and no action can be taken against a Plaintiff, e.g., no motion to dismiss may be filed.



Honorable Brian R. Martinotti, J.S.C.