FILED

FEB 12 2016

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

SHAN R. MARTINOTTI, J.S.C.

IN RE: MIRENA® LITIGATION

This Document Relates to All Actions

CASE NO. 297

MASTER DOCKET NO.:
BER-L-4098-13
CASE MANAGEMENT ORDER NO.

PRETRIAL SCHEDULING ORDER

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 Pretrial Scheduling Order, and good cause appearing therefore:

IT IS, on this 12th day of February, 2016, hereby **ORDERED** as follows:

1. This Order shall apply to the first case selected for trial in IN RE: MIRENA LITIGATION, CASE NO. 297.
2. The Joint Pretrial Order shall be filed on **May 6, 2016** and shall contain the following:
    a. The full caption of the action;
    b. The names, addresses (including firm names), telephone numbers, fax numbers and email addresses of trial counsel;
    c. A brief summary by each party of the claims and defenses that party has asserted that remain to be tried, without recital of evidentiary matter, but including citations to any statutes relied upon. The parties shall also identify all claims and defenses previously asserted that are not to be tried;
    d. A statement as to the time length of trial;

e. Any stipulations or agreed statements of fact or law;

f. A list of the witnesses each party expects to call on its case in chief, including a very brief description of the witness's role and/or the subject matter of his or her anticipated testimony, and a statement as to whether any other party objects to the witness;

g. A statement of damages claimed, itemizing each component or element of the damages sought with respect to each claim, including the manner and method used to calculate the claimed damages.

h. A statement as to whether the parties consent to a less than unanimous verdict.

3. With respect to deposition designations:

a. On **May 6, 2016**, the parties shall exchange deposition designations to be offered in the party's case in chief. The designations shall be made in a word document titled with the case caption, the name of the witness, and the date of the deposition. The chart shall consist of four columns for the beginning page:line of designation; the end page:line of designation, objections and response ("page:line chart") Parties may not designate objections or colloquy between counsel.

b. On **May 27, 2016**, the parties shall exchange counter designations to the other part's designations on a new page:line chart. Objections to the other party's designations shall also be noted on the initial designation chart.

c. On **June 3, 2016**, the parties shall exchange counter-counter designations on a new page:line chart. Objections to counter designations and responses to objections to the original designations shall also be exchanged.

d. On **June 10, 2016**, the parties shall exchange objections to counter-counter designations on a new page:line chart. The parties shall also exchange responses to objections to counter designations.

e. On **June 16, 2016,** the parties shall submit to the Court page:line charts for each deposition reflecting both parties' designations, counter-designations, counter-counter designations, objections and responses. The parties shall also jointly submit complete transcripts of the depositions reflecting each party's respective designations, objections and responses.

3. With respect to Exhibit lists:

a. On **May 6, 2016**, the parties shall exchange exhibit lists. Plaintiffs' exhibits shall be identified with a "P" and then consecutive numbering. Defendants' exhibits shall be identified with a "D" and then consecutive numbering. Exhibit lists shall be in Microsoft Excel format and shall include the following columns in the following order: Exhibit number, beginning bates number, end bates number, date and description of the exhibit. The Excel spreadsheet shall also include a column where the opposing party can enter objections to exhibits. Parties shall also exchange at this time on a CD or other media true and accurate electronic copies (in color, where applicable) of all exhibits identified on their list in PDF format with the file name being the exhibit number. An identical copy of this CD shall be submitted to the Court.

b. On **May 27, 2016**, the parties shall exchange objections to exhibits. The objections should be noted in a column on the Excel spreadsheet. The party shall place one star in the objection column indicating exhibits to which there is no

authenticity objection and two stars indicating exhibits to which there is no objection on any ground.

c. On **June 3, 2016**, both parties' exhibit lists (noting objections) shall be filed with the Court. An identical CD to that exchanged by the parties pursuant to paragraph 3(c) shall also be filed with the Court.

4. With respect to *motions in limine*:

   a. On **May 18, 2016**, the parties shall file *motions in limine*.

   b. Oppositions to *motions in limine* are due by **June 1, 2016**.

   c. Oral arguments on the *motions in limine* will be held on **June 21, 2016**.

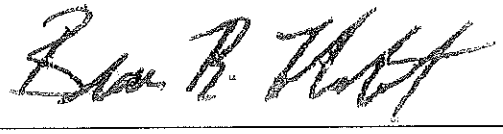
5. The parties may file a joint jury questionnaire on **June 13, 2016**. The Court will confer with Counsel on the use of same.

6. The Court will advise Counsel as to its preferences on the filing of proposed *voir dire* questions, proposed jury instructions and the proposed verdict sheet. These documents, as directed, shall be filed on **May 31, 2016**. Before **June 10, 2016**, any party may file objections to the other party's proposed *voir dire* questions, jury instructions or verdict form.

7. The Joint Pretrial Order should include any special considerations governing the conduct of trial, including trial disclosures of exhibits, witnesses, and demonstratives as well as presentation of video testimony.

8. The Court will conduct a Pretrial Conference on **June 22, 2016**.

IT IS SO ORDERED.



HONORABLE BRIAN R. MARTINOTTI, J.S.C.