FILED

JUL 20 2016

James J. DeLuca, J.S.C.

IN RE: PELVIC MESH/BARD

LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 292
MASTER DOCKET NO.: BER-L-17717-14

CIVIL ACTION

CASE MANAGEMENT ORDER #17

All prior orders remain in full force and effect except as modified by this Order.

THIS MATTER having been reassigned to the Bergen County Vicinage, from Atlantic County, pursuant to the Supreme Court's Order of October 31, 2014; having conducted a CMC; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 20th day of July 2016, **ORDERED** as follows:

PART I

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

A. Case Management Order No. 16, entered June 7, 2016

PART II

II. COMPLIANCE WITH PRIOR ORDERS

A. Case Management Order No. 16

1. The parties are conferring on the bellwether trial pool. Plaintiffs propose the addition of one additional plaintiff selection to the current pool, with defendants to select three cases to constitute the pool. Plaintiffs will submit a proposed case management order at the conference, on consent if possible, to culminate in firm trial dates beginning early 2017. Defendants propose the addition of two additional plaintiff selections to the current pool, with defendants to select four cases to constitute the pool. Defendants will submit a proposed case management order at the conference if the parties cannot agree on a timeframe for discovery of the bellwether cases.

PART III

III. CASE MANAGEMENT

A. Status of Bard Cases

1. The parties shall continue to meet and confer on the bellwether trial pool in order to reach a resolution by August 3, 2016. They will advise the Court if they have agreed on a case management order by that date. If the Parties have not reached an agreement, they will discuss the matter at the August 24, 2016 Case Management Conference.

B. Status of Covidien Cases

1. The stay in Covidien is extended until August 24, 2016.

C. MDL Status Report

1. Bard continues to make settlement progress in the MDL.

PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for August 24, 2016 at 11:30 a.m. Liaison Counsel shall report at 10:30 a.m. to Courtroom 401. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**

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.1:4-8 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.

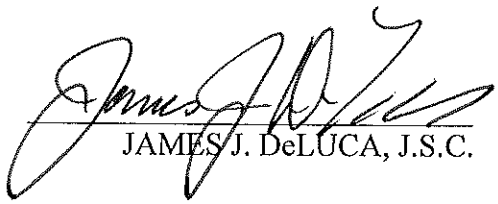
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Anna Celentano at Anna.Celentano@njcourts.gov and Yeon Ji Lee at Yeon-Ji.Lee@njcourts.gov.

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.



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