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

FILED

MAR 18 2015

BRIAN R. MARTINOTTI, J.S.C.

CIVIL ACTION

CASE MANAGEMENT ORDER #5

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 18th day of March 2015, **ORDERED** as follows:

PART I

ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

1. N/A

PART II

COMPLIANCE WITH PRIOR ORDERS

1. Case Management Order No. 4 entered February 5, 2015
    a. The parties have exchanged bellwether trial pool selections and case-specific discovery has commenced. Plaintiffs have issued placeholder dates for treating

physicians and in response the parties have agreed to work cooperatively to agree upon dates that work for both the doctors and the parties.

PART III

CASE MANAGEMENT

1. Case Specific Discovery of Bellwether Trial Pool Cases
    a. Counsel for C.R. Bard has requested limitations on plaintiff's communications with their treating physicians. Plaintiffs oppose any such restrictions.
2. The list of cases selected for the bellwether trial pool is attached as Exhibit A.
3. Counsel shall make good faith efforts to schedule the Plaintiffs' depositions before treating physicians.
4. Until further order, Plaintiffs' counsel may talk to treating physicians about care and treatment but are not permitted to share corporate documents with the doctors. Counsel shall meet and confer within the next two weeks to try and establish a protocol to be utilized concerning Plaintiffs' counsel's discussions with treating physicians and the parameters of *Stempler* interviews, if any. If the parties cannot agree, Defendants shall file a Motion within 14 days thereafter. Plaintiffs will then have 7 days to respond, and Defendants have 7 days to reply. The Court will schedule a hearing at a date to be determined by the Court.

PART IV

GENERAL:

1. The next Case Management Conference is scheduled for May 7, 2015 at 12:00pm. Liaison Counsel shall report at 10:45am. **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.1:48 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.

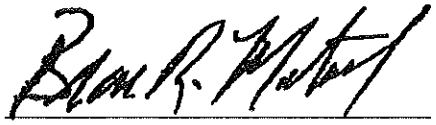
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Kelly Gibson at Kelly.Gibson@judiciary.state.nj.us and Yeon Ji Lee at Yeon-Ji.Lee @judiciary.state.nj.us.

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.

Exhibit A: Bellwether Trial Pool Selections

Plaintiff	Counsel of Record	Category	Docket Number
Sandra Rios	Mazie Slater	POP	BER-L-18689-14
Betty Tiddle	Bernstein Liebhard	POP	BER-L-18670-14
Dana Collett	Motley Rice	POP	BER-L-18323-14
Debora Ortiz	Motley Rice	SUI	BER-L-18231-14
Jodi Wisdom	Motley Rice	SUI	BER-L-18311-14
Peggy McAllister	Pogust Braslow	SUI	BER-L-18545-14
Mary McGinnis	Mazie Slater	POP & SUI	BER-L-17543-14
Marcia Saathoff	Motley Rice	POP & SUI	BER-L-18154-14
Nickole Mays, Cieslica Green	Poulos Lopiccolo, P.C.	SUI	BER-L-17628-14
Carlene Nitkowski	Simmons Hanly Conroy, LLC	SUI	BER-L-18697-14
Alda Almeida	Simmons Hanly Conroy, LLC	POP	BER-L-18572-14
Mary Whitesides	The Potts Law Firm	POP	BER-L-18272-14
Wanita Roach	The Potts Law Firm; Nagel Rice, LLP	SUI	BER-L-18829-14
Mary Catron	Clark Love, & Hutson; The D'Onofrio Firm, LLC	SUI	BER-L-17732-14
Donna Brown	The Potts Law Firm; Nagel Rice, LLP	POP	BER-L-17760-14
Amy Slack	The Potts Law Firm; Nagel Rice, LLP	POP	BER-L-18763-14