

**IN RE ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

CASE NO. 634

MASTER DOCKET NO. BER-L-5064-20

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

**CASE MANAGEMENT ORDER # 12
(Service of Plaintiff Fact Sheets, Defense Fact Sheets
and Authorizations through MDL Centrality)**

The Court finds that the Parties have conferred regarding a Case Management Order addressing Fact Sheets to be utilized in this Multicounty Litigation ("MCL"). The Parties having stipulated thereto, and for other good cause shown, it is **ORDERED** as follows:

I. SCOPE OF THE ORDER

This Order shall apply to all cases currently pending in MCL 634 and to all related actions that have been or will in the future be originally filed in or transferred to or remanded to MCL 634. This Order is binding on all parties and their counsel in all such cases.

II. MDL CENTRALITY

A. Manner of Completion, Service, and Authorization Forms

Plaintiffs and Defendants shall use the online MDL Centrality System designed and provided by BrownGreer PLC and accessible at www.mdlcentrality.com/Biocell to complete and Plaintiff Fact Sheets ("PFS") and Defendant Fact Sheets ("DFS"), as follows:

1. Each Plaintiff required to submit a PFS, shall, by counsel or as a *pro se* Plaintiff, obtain an authorized user name and secure login password to permit use of a secure online portal in the MDL Centrality online system by such counsel or *pro se* Plaintiff. Except as set forth herein,

counsel for a Plaintiff or each *pro se* Plaintiff shall be permitted to view, search, and download on MDL Centrality only those materials submitted by that Plaintiff and by Defendants relating to that Plaintiff, and not materials submitted by or relating to other Plaintiffs.

2. Defendants, through their counsel, shall obtain an authorized user name and secure login password to permit use of a secure online portal with the MDL Centrality online system by such Defendants' counsel.

3. Plaintiffs' Liaison Counsel shall obtain user names and secure login passwords to permit use of a secure online portal with the MDL Centrality online system by Plaintiffs' Liaison Counsel. The online portal available to Plaintiffs' Liaison Counsel shall permit Plaintiffs' Liaison Counsel to view, search and download on MDL Centrality all materials submitted by any Plaintiff in the MCL and all materials submitted by Defendants relating to any Plaintiff.

4. Unless it is not reasonably practical due to international data privacy laws and requirements,¹ the Parties shall use the MDL Centrality System to obtain, complete, and serve:

- a. Plaintiff's PFS (including the upload of PDFs or other electronic images of photographs or other records required in the PPF and/or PFS);
- b. Plaintiff's Records Authorizations, including all necessary Proprietary Authorizations;
- c. Defendants' DFS; and
- d. Deficiency Notices.

5. Service of a PFS or Records Authorizations shall be deemed to occur when: (i) the submitting party has performed each of the steps required by the MDL Centrality System to execute the online submission of the materials; (ii) the submitting party has received confirmation

¹ In such circumstances, the Parties will produce by another medium.

on screen that the materials have been successfully submitted; and (iii) the receiving party (including Plaintiffs' Liaison Counsel) has received notice of the submission via notification in the MDL Centrality System.

6. If a Party amends a previously-served PFS or DFS, the subsequent version must note the amendment number in its title (e.g., "First Amended Fact Sheet," "Second Amended Fact Sheet," etc.). All iterations of a Party's PFS or DFS must remain available and accessible to all Parties to a case through trial, appeal (if any), or other resolution of the litigation.

7. The Court may establish a secure online portal with the MDL Centrality online system and obtain an authorized user name and secure login password to permit use of MDL Centrality by the Court.

B. Payment for Centrality

For these services, BrownGreer will charge Plaintiff's counsel or the pro se Plaintiff a \$12.50 filing fee at the time the initial PPF is submitted. There will be no additional charge for amendments, subsequent filings such as the PFS, or access in that particular case, with the exception of potential common benefit assessments. The platform will require this payment via credit card.

For these services, Defendants will pay BrownGreer \$12.50 for each case, which will enable their access to the initial PPF and all subsequent filings in that particular case.

C. HIPAA Authorization

By using MDL Centrality, each Plaintiff authorizes the disclosure of his or her medical records and other health information to: BrownGreer PLC (as the administrator of the MDL Centrality System); the Court; Defendants; Plaintiffs' Liaison Counsel; and the authorized agents, representatives, and experts of the foregoing. This authorization is limited to use for purposes of this litigation.

Once a document is uploaded and submitted electronically, MDL Centrality shall send an e-mail to all registered users notifying them that the document has been posted to its website (unless such registered user has declined to receive e-mails).

F. Interaction with Clerk of Court

When practicable, representatives of MDL Centrality shall meet and confer with the Court Staff for the Hon. Rochelle L. Harz, J.S.C., to obtain a list of all cases filed in MCL 634 that includes: the case name and number; party names; party type; attorneys' names; firm names; addresses; phone numbers; and e-mail addresses. The Court Staff shall execute the steps necessary for the MDL Centrality Administrator at BrownGreer to receive emailed eCourts notifications related to MCL 634.

From time-to-time, the Court may call upon BrownGreer to run reports, statistics, and queries as directed by the Court.

G. Registered Users

Only registered users of MDL Centrality will be able to access the MCL 634 documents hosted online with MDL Centrality. Registered users will include counsel of record for any party in the consolidated MCL 634 or any *pro se* Plaintiff who complies with the requirements of this Order. Only counsel for a party in the MCL or a *pro se* Plaintiff shall be allowed to register or have access to the MDL Centrality system.

H. Responsibility to Keep Current Contact Information

MDL Centrality shall perform all administrative functions to the MDL Centrality system. Once initially registered, MDL Centrality shall be responsible for the registration and confirmation of all contact information for registered users. After initial enrollment/registration, it shall be the responsibility of the registered users to keep current their contact information by noting any changes

directly on the MDL Centrality Website and completing an amended Counsel Contact Form and sending it to: mrm@mzieslater.com.

I. Privileges or Work Product Protection Maintained

Nothing in this Order shall be interpreted to alter or waive any attorney-client privilege or work product doctrine protection, or any other privilege or protection otherwise applicable under the law. Until material is served on or purposefully disclosed to the opposing party, any notations, comments, or documents stored or uploaded to MDL Centrality shall be afforded all applicable protections and limitations on waiver, including but not limited to those codified in New Jersey Rules of Evidence.

J. Effective Service

Defendants shall satisfy their service obligations for PFS deficiency notices, DFSs, and any accompanying documents as to any and all Plaintiffs' counsel or *pro se* Plaintiff by service through MDL Centrality, after which MDL Centrality shall serve such copies on Plaintiffs' Liaison Counsel. Other than service on Defendants of the initial PFS, any supplemental PFS, any documents uploaded in connection with completion of the PFS, including signature page(s), and any DFS Deficiency Notice(s), nothing in this Order shall be construed to alter or amend the requirements of Plaintiffs to serve Defendants with process, summons, discovery, motions, or any other pleadings or documents. Any documents served pursuant to this Order shall be deemed served pursuant to New Jersey Court Rules.

K. Confidentiality and Protective Orders

All registered users shall be bound by any Confidentiality and Protective Orders entered separately by this Court, as well as the terms and conditions for the use of the MDL Centrality system, which include adherence to the terms and conditions of the MDL Centrality User Agreement that will be one of the first matters counsel or *pro se* Plaintiff will see the first time they log in. MDL Centrality will also be bound by the terms of the Administrative Agreement(s) and will comply with the

requirements of and be bound by the terms of the Confidentiality and Protective Orders entered by this Court.

Dated:



HON. RACHELLE L. HARZ, J.S.C.