

IN RE: : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY
MIRENA IUD PRODUCTS LIABILITY LITIGATION :
: CASE NO. 297
This Document Relates to All Actions : CIVIL ACTION

FILED
SEP 16 2020
MICHELLE L. HARZ
J.B.C.

CASE MANAGEMENT ORDER NO. 66

The Parties have advised the Court that they have entered into a Confidential Master Settlement Agreement (“MSA”). Although the terms of the settlement are confidential, the MSA seeks to include all plaintiffs, including derivative claimants, who have asserted claims against one or more of the following Defendants: Bayer HealthCare Pharmaceuticals Inc., Bayer Oy and Bayer Pharma AG (“Bayer Defendants”), including those claims asserted in In Re: Mirena Litigation, Multi-County Litigation Case No. 297 pending in the Bergen County Law Division of the Superior Court of New Jersey (“MCL”). The deadline to participate in the MSA expired on June 29, 2018. On that date, any participating Plaintiff was required to submit a dismissal with prejudice and a notarized release (collectively the “Settlement Materials”). Plaintiffs seeking to participate in the MSA who failed to submit Settlement Materials or who submitted deficient Settlement Materials were subject to dismissal from this MCL by Order of this Court.

Additionally, pursuant to this Court’s Case Management Order No. 54, any Plaintiffs in this MCL who declined to participate in the MSA were required to submit expert reports by September 27, 2018.

Since that date, the Court has entered several Case Management Orders setting forth the procedures for dealing with Plaintiffs who were previously identified as either non-responsive or as having failed to cure certain deficiencies in their Settlement Materials, and otherwise.

On June 11, 2020, the Court entered CMO No. 65 setting forth the procedure for dealing with the remaining Plaintiffs in this MCL, who, through counsel, have agreed to dismiss their Complaint but have failed to provide the required documents or who have otherwise failed to prosecute their claims.

The Plaintiffs identified in the attached **Schedule A** appear on the Court's docket for this MCL. The Court is advised that the Plaintiffs identified in the attached **Schedule A** have either agreed through counsel to dismiss their Complaints but have failed to provide the required documents or have otherwise failed to prosecute their claims and, in particular, have failed to submit expert reports by the deadline as stated herein. Additionally, following the dismissal of the cases identified in the attached **Schedules A** as provided for herein, there will be no additional cases pending in this MCL and same may be closed on the Court's docket.

Pursuant to the terms of CMO No. 65, Plaintiffs identified on **Schedule A** were to do the following:

1. Within twenty (20) days of the date hereof, any Plaintiff appearing on **Schedule A** wishing to prosecute her case notwithstanding her failure to do so to date and, in particular, notwithstanding her failure to submit expert reports by the deadline as previously Ordered by the Court, must write to the Court at **The Hon. Rachelle Harz, Superior Court of New Jersey, 10 Main Street, Hackensack, New Jersey courtroom 395**, and show cause as to why the Court should not dismiss her claims, WITH PREJUDICE. On that date, the Court will dismiss the claims of any Plaintiff who fails to comply with this CMO in any regard, with prejudice. In order to avoid dismissal with prejudice, any such written submission attempting to show

cause as to why a Plaintiff's case should not be dismissed must be received by the Court no later than June 29, 2020. The case of any Plaintiff who makes a written submission to the Court as required herein shall be subject to the review and further Order of the Court as to whether or not the particular submission made demonstrates sufficient cause to avoid dismissal; and

IT IS ORDERED, on 16th of September 2020, that

1. The Court did not receive any submissions from Plaintiffs identified in the attached **Schedule A**; and therefore,
2. All cases identified in the attached **Schedule A** are hereby dismissed, WITH PREJUDICE against all defendants; and

IT IS FURTHER ORDERED, that this MCL is hereby closed.

DATED: 9/16/2020


The Honorable Rachelle L. Harz, J.S.C.

SCHEDULE A

Case	Docket No.
Hanks, Denise	L-008912-16
Hess, Alissa	L-003658-17
McDaniel, Jessica	L-005860-17
Reese, Glenace	L-008919-16
Reyes, Cinthia	L-005861-17
Salazar, Laura	L-002949-17
Wagner, Shelby	L-009951-15
Farmer, Kasey	L-001148-16
Jackson, Crystal	L-003773-15
Johnson, Loretta	L-003061-15