
IN RE: PELVIC MESH/GYNECARE
LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291

MASTER DOCKET NO.: BER-L-11575-14

CIVIL ACTION

CASE MANAGEMENT ORDER #109 –
UPDATED DISCOVERY COMPLETION
ORDER REGARDING REMAINING CMO
84 ACTIVATED CASES.

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

FILED

APR 04 2024

EGG A. PADOVANO, J.S.C.

THIS MATTER having been reassigned to the Bergen County Vicinage, from Atlantic County, pursuant to the Supreme Court's Order of October 31, 2014; the Court having conducted a Case Management Conference on March 6, 2024; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 4TH day of April 2024, **ORDERED** as follows:

I. TRIAL SETTING.

- A. The next trial setting in this MCL shall be January 20, 2024. *IS CURRENTLY SCHEDULED FOR 2025*
- B. The parties will continue to meet and confer and, when appropriate, present proposals to the Court regarding the case that should be slotted into the next trial setting.

II. DISCOVERY DEADLINES.

- A. Except as otherwise governed by CMOs 95 (regarding friends/family) and 97 (regarding sales reps), any outstanding fact discovery will be completed by April 15, 2024

B. Expert Discovery

- (i) By *May 15, 2024*, Plaintiffs are to advise Defendants if the plaintiff has or intends to submit to an IME by plaintiffs' case specific expert.
- (ii) By *May 15, 2024*, Plaintiffs are to provide Defendants with possible dates between *June 7, 2024* and *July 26, 2024* when the plaintiff can travel for a DME to be conducted by Defendants' experts. Defendants will then send plaintiffs' counsel an email confirming the name of the defense expert, his or her qualifications, the location, date and time of the DME. This information will then be formalized in a Notice for DME that complies with the New Jersey Court Rules. If Plaintiff objects to any aspect of the proposed DME, those objections can be raised with the Court by letter if there is no resolution after meeting and conferring with Defendants.
- (iii) Plaintiff expert report(s) shall be served by *June 6, 2024*. If Plaintiffs fail to serve all expert reports by the deadline without having obtained prior leave of the Court, the case may be dismissed with prejudice.
- (iv) Defense expert reports shall be served by *August 5, 2024*.
- (v) The parties shall make best efforts to complete all necessary plaintiff expert depositions by *September 6, 2024*, and all necessary defense expert depositions by *October 4, 2024*. Plaintiff's experts will not be deposed until after receipt of the defense expert reports and the notes of all DME's. Defense expert depositions will not be conducted until after completion of plaintiff expert depositions.
- (vi) Expert discovery shall be completed by *October 4, 2024*.

C. Pre-Trial Motions

- (i) Pretrial motions other than *in limine* (dispositive, Kemp/ Accutane) shall be served by *October 18, 2024*. Consistent with the practice in this MCL, the original motion papers shall be submitted directly to the trial judge's chambers. Only Notices of Motion and Forms of Order shall be submitted for filing with the Clerk's office (either via JEDS or in hard copy).

- (ii) Oppositions to pre-trial motions shall be filed and served by *November 18, 2024*.
- (iii) Only when necessary, on leave of Court, limited replies shall be filed and served by *November 25, 2024*.
- (iv) Oral argument on pre-trial motions and any remaining outstanding disputed deposition designations shall commence on **[To be determined by later order of the Court]**, continuing day to day as necessary.
- (v) The court shall issue rulings on pretrial motions and any outstanding deposition designation disputes that impact opening statements, or other such issues that must be resolved prior to opening statements by no later than **[To be determined by later order of the Court]**.

D. Commencement of Trial

- (i) Opening statements will commence on or as soon after January 20, 2025, following jury selection, which shall be scheduled during the week of January 13, 2025.

Any case that fails to meet any of the deadlines for discovery in this order without good cause or consent of the opposing party shall not be considered a candidate for the next trial setting.



HON. GREGG A. PADOVANO, J.S.C.