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**IN RE: PELVIC MESH/GYNECARE  
LITIGATION**

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**FILED**

**JAN 07 2025**

**GERALD P. GIOVANNI, J.D.C.**

**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION: BERGEN COUNTY**

**CASE NO. 291**

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

**CIVIL ACTION**

**CASE**

**MANAGEMENT ORDER #114**

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; the Court having conducted a Case Management Conference on September 26, 2024 after which no Case Management Order was entered, and the Court having conducted a Case Management Conference on October 29, 2024; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 7<sup>th</sup> day of January 2025, **ORDERED** as follows:

**I. CASE MANAGEMENT**

**A. Trial Setting.**

1. The CMO 74 cases all having been resolved in principle, counsel for the parties to the remaining seven CMO 84 cases (listed below) are to meet and confer by November 15, 2024, to attempt agree on the selection of the next trial case.

- Margaret Daly v. Ethicon, Inc., BER-L-014421-14 (Gynemesh PS/Napoli Shkolnik).
- Brandy Bunn v. Ethicon, Inc., BER-L-013399-14

(TVT Exact/ Cohen Placitella and The Simon Law Firm)

- Susan Rusciano v. Ethicon, Inc., BER-L-004935-20  
(TVT Exact/Lopez McHugh and Wagstaff Cartmell),
- Kattya Reis-Borges and Arnold Borges v. Ethicon, Inc.,  
BER-L-004938-16  
(TVT Secur/ Locks Law Firm)
- Ladonna Watters and Steven Allen v. Ethicon, Inc.,  
BER-L-010966-14  
(Prolift and TVT-O/Cohen Placitella and The Simon Law Firm)
- Kristin Book v. Ethicon, Inc., BER-L-012336-14  
(Prolift and TVT-O/ Cohen Placitella and The Simon Law Firm).

2. The trial setting for the next trial in New Jersey will be moved from January 21, 2025 to **April 7, 2025**, and the trial case will be date TBA Margaret Daly v. Ethicon, Inc., BER-L-014421-14 (Gynemesh PS/Napoli Shkolnik). A separate pretrial order for this setting has been submitted.

## **II. CASE MANAGEMENT DEADLINES.**

- A. CMO 105 entered on December 1, 2023, continues to govern case work up deadlines for CMO 105-activated cases, unless otherwise ordered by the Court.
  1. **PARTIES SHALL NOTE THAT COMPLIANCE WITH PFS-RELATED DEADLINES UNDER CMO 105, and for all other active cases, REQUIRES THE PROVISION, *INTER ALIA*, OF THE MOST CURRENT UPDATED RECORDS RELEASE AUTHORIZATIONS.<sup>1</sup>**
  2. Any Plaintiff with a compliant CMO 105 case shall evaluate records collection status and meet and confer prior to the next Case Management Conference with Defense Counsel to assess whether sufficient medical records have been collected to begin scheduling plaintiffs' depositions.

## **III. ADDITIONAL CASES TO BE ACTIVATED**

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<sup>1</sup> As of the date of this order, the most current records authorization forms can be found attached to the Order entered on August 28, 2023, entitled: "Updated and Amended Notice and Order Regarding Service of Plaintiff's Fact Sheets, Required Records Authorizations and Applications for Extensions of Service Dates," which can be found on the Gynecare MCL court website. <https://www.njcourts.gov/multicounty-litigation/pelvic-mesh-gynecare/case-information>. They also can be found on the Gynecare MCL website under "Forms" with the Plaintiff Fact Sheet.

A. **Newly Filed Cases.** The below newly filed cases are activated. Records collection shall proceed immediately upon timely service, as required by the current protocols, of fully-compliant plaintiffs' fact sheets and all required current authorizations. Plaintiffs' depositions shall be scheduled as soon as practicable upon collection of the requisite records.

1. Cooper, Charlene v. Ethicon, Inc., et al., BER-L-4466-24
2. Koberger, Julie v. Ethicon, Inc., et al., BER-L-5682-24
3. Colon, Marilyn v. Ethicon, Inc., et al., BER-L-4308-23
4. Trice, Tasha v. Ethicon, Inc., et al., BER-L-6162-23
5. Jordan, Carmen v. Ethicon, Inc., et al., BER-L-5823-24
6. Mason, Kelli v. Ethicon, Inc., et al., BER-L-4778-24
7. Schwasinger, Jacquelyn v. Ethicon, Inc., et al., BER-L-4780-24
8. Hazelwood, Laura v. Ethicon, Inc., et al., BER-L-4836-24
9. Walker, April v. Ethicon, Inc., et al., BER-L-44835-24
10. Britt, Vicki v. Ethicon, Inc., et al., BER-L-5026-24
11. Mizsak, Deana v. Ethicon, Inc., et al., BER-L-6044-23
12. Steiner, Katherine v. Ethicon, Inc., et al., BER-L-5888-23
13. Shirrel, Cynthia v. Ethicon, Inc., et al., BER-L-6343-23
14. Stoffregen, Vivian v. Ethicon, Inc., et al., BER-L-6410-23

All newly filed cases are considered active and must comply with the MCL protocols regarding service of PFS. The proper authorization forms currently can be found appended to the August 28, 2023 Order referenced in footnote 1, above.

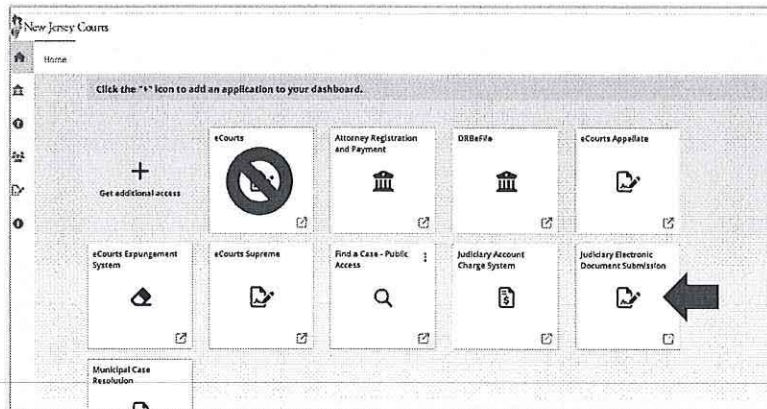
The parties are on notice that in cases where PFS compliance is only made complete following the filing of the motion, Defendants are permitted to submit an application to the Court seeking reimbursement of filing costs and attorneys' fees for drafting the unnecessary motion.

#### IV. MOTIONS.

The status of pending motions was reported to the Court via the agenda for the September 26, 2024, CMC. Regarding the two pending motions in Kandace Stotts v. Ethicon, Inc., et als., BER-L-7218-18 (the remaining active but not compliant CMO 84 Exh. Y case), before the Court is a proposed Order that would resolve both motions. A summary status email was submitted to the Court on September 26, 2024.

## V. FILINGS ON ECOURTS

All Counsel and parties to this MCL are reminded that this is a JEDS (Judiciary Electronic Document Submission) system litigation. Counsel are **not** to use eCourts to file pleadings and other documents. This MCL requires paper filing or filing through the JEDS submission system.



Any fees charged through an improper submission on eCourts will not be refunded. Please see CMO 96 regarding service and filing notifications. **Also, JEDS submission does not equate with service. Anything submitted via JEDS (or in paper format) must be served on all counsel of record separately in accordance with the Rules of Court and/or protocols in this MCL (unless counsel have consented to receive service via email only).**

## VI. MISCELLANEOUS

The next case management conference will be held on Thursday, **January 23, 2025** at 10:00 a.m. for liaison counsel only (via Telephone or Zoom) and at 11:00 a.m. for all counsel via telephone on the record; The Conference will be virtual or telephonic unless otherwise directed by Judge Padovano.

  
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GREGG A. PADOVANO, J.S.C.