

MARGARET DALY,

Plaintiff,

vs.

ETHICON, INC., ETHICON WOMEN'S
HEALTH AND UROLOGY, a Division of
ETHICON, INC., GYNECARE, JOHNSON &
JOHNSON, and JOHN DOES 1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY
DOCKET NO. BER-L-14421-14

MASTER DOCKET NO. BER-L-11575-14

CIVIL ACTION

In Re Pelvic Mesh/Gynecare Litigation
Case No. 291

**PRE TRIAL SCHEDULING
ORDER**

FILED
JAN 06 2025
CRESSA A. PADOVANO, J.S.C.

THIS MATTER having been brought before the Court jointly by
Defendants Ethicon, Inc. and Johnson & Johnson (“Defendants”), through their counsel
Riker Danzig LLP, and Plaintiff, through her counsel, and for good cause shown;

IT IS ON THIS 6th DAY OF JANUARY 2025

ORDERED that the following are the pre-trial deadlines for trial:

I. Pre-trial motions

1. Pre-trial motions (e.g., in limine, trial severance, request to bifurcate punitive damages) shall be served and filed directly with Judge Padovano’s chambers:
 - i. Opening motions by **February 3, 2025**.
 - ii. Oppositions by **February 17, 2025**.
 - iii. Only where necessary, on leave of Court, limited replies by **March 3, 2025**.
2. Oral argument on pretrial motions may commence on **March 25, 2025**, as **scheduled by the court**, continuing as necessary.

II. Deposition designations

1. The parties are to meet and confer by **January 24, 2025**, about reaching an agreement to limit the number of company witnesses that will be presented and/or the total duration of video deposition testimony to be played at trial.
2. The parties shall exchange affirmative deposition designations on or before **January 31, 2025**.
3. Any objections to the designations and any counter-designations shall be exchanged on or before **March 3, 2025**. However, the parties are encouraged to discuss and resolve objections to limit the disputes to the extent possible.
4. Any objections to the counter-designations, and any counter-counter-designations to an opposing party's counter-designations, shall be exchanged on or before **March 11, 2025**.
5. The parties shall meet and confer no later than **March 21, 2025**, to resolve remaining objections to the designated testimony.
6. Oral argument on deposition designations not resolved by in limine and other pre-trial rulings may commence on **April 14, 2025**, continuing day to day as necessary.
7. The parties shall exchange finalized run scripts for all deposition videos based on the rulings issued by the Court by **April 17, 2025**. The parties shall make every effort to avoid last minute changes to finalize exchanged scripts and shall communicate any changes from finalized scripts by 7:00 p.m. the night before the party proposes playing the video at trial.

III. Trial witnesses and exhibits

1. The parties shall exchange witness lists on or before **February 18, 2025**.
2. On or before **February 18, 2025**, Plaintiff shall advise Defendants of Defendants' corporate witnesses whom they request to call as live witnesses at trial. On or before **March 11, 2025**, Defendants shall respond to Plaintiffs' request regarding whether there is agreement to bring such requested witness(es) live to trial and if so, the approximate availability window.
3. The parties shall disclose the identities of live witnesses who will testify at trial at least two business days prior to when the witness will be called. If the witness will be called on a Monday, then the witness must be disclosed by the end of court day on the preceding Friday.
4. The parties shall exchange their lists of all exhibits that may be offered during each party's case in chief no later than **March 5, 2025**. The Exhibit list must be separated by General and Case-Specific Exhibits. The parties agree to a limit of 200 exhibits for General Exhibits. Medical literature, demonstratives and exhibits to be utilized solely for impeachment purposes need not be included on the exhibit list or subject to any limit on the number of exhibits. Medical literature shall be listed on a separate document and also exchanged on this date. The exhibit list shall be in the form of an Excel spreadsheet. The parties shall meet and confer regarding the deadline and manner by which they will exchange copies of all exhibits (e.g., on a hard drive, as separate .pdf or .tiff images, etc.).
5. A paper copy of proposed exhibits shall be provided to opposing counsel and the Court at the time of use of the exhibit at trial.

IV. Jury instructions

1. The parties shall exchange initial proposed jury instructions by **March 18, 2025** and thereafter shall meet and confer regarding jury instructions.

V. Jury selection

1. A proposed agreed upon pre-screening short form (hardship) jury questionnaire must be submitted to the Court on or before **March 24, 2025**.
2. The Court will issue the pre-screening (hardship) questionnaires to the selected venire pool by a date to be established in consultation with the Bergen County Vicinage Jury Manger's Office so to be returned / completed by the prospective jurors to the Court on a date to be determined.
3. A proposed agreed upon long form jury questionnaire must be submitted to the Court on or before **March 18, 2025**. If the parties are unable to agree upon a form of juror questionnaire, the parties shall submit competing forms and identify for the Court those questions upon which they cannot agree. The long form jury questionnaire will contain the concise descriptive statement of the nature of the case not to exceed one page in length, also for the Judge's use during jury selection.
4. In-person portion of jury selection process may commence on **April 21, 2025**.

VI. Commencement of Trial — Opening statements may commence on **April 21, 2025**. During jury selection, the panel will be told the trial is expected to last no longer than 21 days, including deliberations. Time at trial will be divided on a reasonable basis between the parties.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within seven (7) days of the date of this Order.



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