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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291

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

CIVIL ACTION

CASE

MANAGEMENT ORDER #115

FILED

FEB 13 2025

GREGG A. MAGNANO, J.S.C.

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 January 23, 2025; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 13<sup>TH</sup> day of FEBRUARY 2025, ORDERED as follows:

I. CASE MANAGEMENT

A. Trial Setting.

1. The April 21, 2025, trial set case of Margaret Daly v. Ethicon, Inc., BER-L-014421-14 (Gynemesh PS/Napoli Shkolnik) resolved. The parties submitted on January 29, 2025, a Notice of Settlement and Request to Stay, and confirmation of the withdrawal of all filed pretrial motions.
2. The next trial setting will be Brandy Bunn v. Ethicon, Inc., BER-L-013399-14 (TVT Exact/ Cohen Placitella and The Simon Law Firm), and will commence on July 21, 2025.
3. The next trial setting following Bunn will be Susan Rusciano v. Ethicon, Inc., BER-L-004935-20 (TVT Exact/Lopez McHugh and Wagstaff

Cartmell), The parties are in the process of meeting and conferring to propose the exact trial date to the Court.

4. The remaining CMO 84 Exhibit X cases that are eligible for a trial setting following Rusciano are:

- 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).

5. The parties have met and conferred regarding the pending fully-briefed motions and have agreed that oral argument should not be scheduled at this time. The parties may agree to participate in mediation with an outside mediator.

## 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. **There are 79 cases on CMO 105 and later CMOs that should be proceeding with active records collection and preparing to schedule depositions when sufficient records are collected.**
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 with Defense Counsel to assess whether sufficient medical records have been collected to begin scheduling plaintiffs' depositions. Compliant CMO 105 cases subject to work up are attached as Exhibit A. Cases activated after CMO 105 shall continue with records collections. As those cases progress, Plaintiff and Defense Counsel shall likewise meet and confer as to scheduling plaintiffs' depositions.

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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.

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

- A. Newly Filed Cases.** All cases filed since the entry of CMO 105 are considered activated. Such cases are not to await any specific activation order. The below newly filed cases have specifically been identified since the last case management conference and are listed below by way of example. 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. Jaramillo, Julia v. Ethicon, Inc., et al., BER-L-0337-25
2. Duley, Susan v. Ethicon, Inc., et al., BER-L-0157-25
3. Harley, Judith v. Ethicon, Inc., et al., BER-L-0025-25
4. Eliot-Johnson, Dawn v. Ethicon, Inc., et al., BER-L-7271-24
5. Harrington, Kristin v. Ethicon, Inc., et al., BER-L-7126-24
6. Hilligoss, Gweneth v. Ethicon, Inc., et al., BER-L-6893-24
7. Jackson, Linda v. Ethicon, Inc., et al., BER-L-5872-24
8. Rideaux, Jacqueline v. Ethicon, Inc., et al., BER-L-6359-24
9. Boudreaux, Terrie v. Ethicon, Inc., et al., BER-L-4331-24

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.

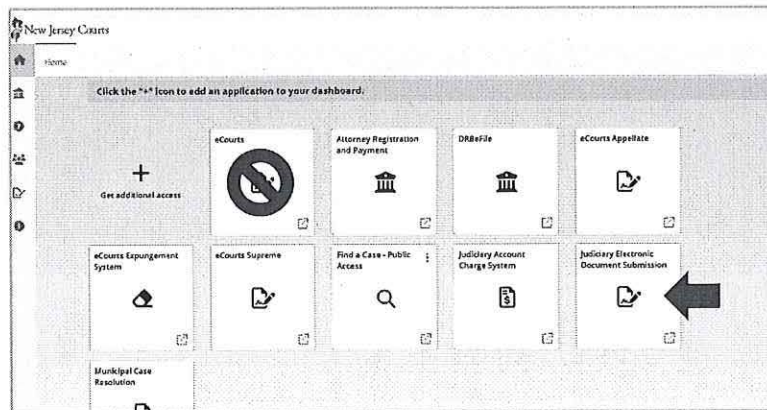
- B. Activation of MSA Exhibit B Cases.** There remain active on the docket over 1100 cases involving plaintiffs who allege they have a currently marketed Ethicon SUI product implanted, but have not had a revision surgery, which cases are identified on Exhibits B to their plaintiffs' firms' Master Settlement Agreements ("MSA"). A proposal will be made to the Court by Defense Counsel at the next case management conference to activate approximately 100 of these cases for discovery (and, if necessary, additional cases on a later rolling basis) if alternative docket disposition is not agreed upon between the parties. Defendants shall meet and confer with Plaintiffs' liaison counsel in advance to attempt to reach agreement on a proposed process.

### **IV. MOTIONS.**

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 January 23, 2025.

## 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, **February 20, 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.

  
GREGG A. PADOVANO, J.S.C.