

This Order hereby supersedes and replaces all prior Notices and Orders Regarding Service of Plaintiff's Fact Sheets, Records Authorizations, and Applications for Extension of Service Dates filed on 12/1//2021, 11/16/12, 2/14/14, 12/15/16, 7/30/18, 3/15/2019, 6/30/2022, 1/19/2023, and 8/28/2023

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IN RE PELVIC MESH/GYNECARE
LITIGATION,

FILED
MAR 17 2025
GREGG A. PADOVANO, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY

MASTER DOCKET NO.
BER-L-11575-14

CIVIL ACTION
In re Pelvic Mesh/Gynecare
Litigation
Case No. 291

**UPDATED AND AMENDED NOTICE AND
ORDER REGARDING SERVICE OF
PLAINTIFF'S FACT SHEETS, REQUIRED
RECORDS AUTHORIZATIONS AND
APPLICATIONS FOR EXTENSION OF
SERVICE DATES
(UPDATED March 2025)**

TO: All Counsel of Record

PLEASE TAKE NOTICE that, in accordance with Case Management Order No. 5, and in order to ensure uniformity in the service of Plaintiffs' Fact Sheets ("PFS"), the following protocols have been put into place regarding the service of PFSs and applications for extension of service dates. To the extent any of the below

protocols deviates from previously entered orders, the below procedures are to be followed beginning immediately upon the entry of this Order for all cases subject to this MCL.

1. SERVICE OF PFSs

- a. PFSs are not to be served prior to service of the plaintiff's Complaint. In the event that the PFS is served before the Complaint, Defendants will calculate the due date of the Defendants' Fact Sheet ("DFS") from the date of service of the Complaint.
- b. PFSs are to be served on a rolling basis and are not to be accumulated for mass service. Any one firm shall serve no more than two (2) PFSs in one day to avoid both the imposition of an unreasonable burden on Defendants to process and serve DFS responses within the time contemplated by governing CMO No. 5, and the contravention of this Court's directive for Plaintiffs to avoid such unnecessary burdens.
- c. PFSs and supporting documents for multiple plaintiffs are not to be served electronically in a combined file. While size limitations may require scanned documents to be served in multiple separate files, any electronic file (e.g. pdf) of a PFS response or supporting documents must contain information as to a single plaintiff. For example, a single

pdf file may not contain PFS responses or supporting documents for more than a single plaintiff.

d. PFSs are to be served upon Defendants via email addressed to the following individuals:

i. Butler Snow – njpfs@butlersnow.com

ii. Riker Danzig - RikerPelvicPFS@riker.com

Service to any subset of the above individuals, service to Defense liaison counsel, or service to other employees of the law firms identified above, is not adequate and may result in motion practice seeking, among other things, dismissal of the complaint.

e. Plaintiffs' counsel may also serve PFSs via regular mail. In the event that counsel chooses this method, the PFSs should be sent to:

Debra Gantert
Francesca Henry
Riker Danzig LLP
Headquarters Plaza
One Speedwell Ave.
Morristown, NJ 07962

Ashley Lampkin
Butler Snow LLP
Suite 1400
1020 Highland Colony Pkwy
Ridgeland, MS 39157

Service via regular mail must be supplemented with service via email to the recipients identified in Section 1(d).

f. To accommodate the size of the files, Plaintiffs' counsel may serve plaintiffs' medical records and authorizations separately via regular mail, however it is preferred to avoid

hard copy documents when possible. These records are to be sent to Debra Gantert, Francesca Henry and Ashley Lampkin as indicated in Section 1(e).

- g. PLEASE TAKE NOTICE THAT THE PROCEDURE CHANGE REGARDING RECORDS COLLECTION SET FORTH INITIALLY AT Paragraph 5 OF THE JANUARY 19, 2023, ORDER REMAINS IN EFFECT AND IS REITERATED BELOW AT Paragraph 5. If plaintiffs choose to opt-out of records collection by the medical records vendor, which is not preferable, notice must be sent via email and regular mail to Debra Gantert, Francesca Henry and Ashley Lampkin as indicated in Section 1(e) & (f).

2. APPLICATIONS FOR EXTENSIONS

- a. Applications to Defendants for extension of the PFS service date are to be sent via email to the following individuals:
- i. Butler Snow – njpfs@butlersnow.com
 - ii. Riker Danzig - RikerPelvicPFS@riker.com
- b. Each application must include the name and docket number of the plaintiff at issue and the length of time needed to complete the PFS.
- c. Extension requests are expected to be the exception, and not routine.

3. COMMUNICATIONS REGARDING DEFICIENCIES IN PFS RESPONSES

- a. All Communications relating to Deficiencies in PFS responses, including, but not limited to supplemental responses, additional responsive information, objections to claims of deficiencies, or extension related requests, are to be sent via email to the following individuals:
 - i. Butler Snow – njpfs@butlersnow.com
 - ii. Riker Danzig - RikerPelvicPFS@riker.com
- b. Each communications must include the name and docket number of the plaintiff.
- c. **Communications regarding deficiencies or extension requests to any subset of the above individuals, to Defense liaison counsel, or to other employees of the law firms identified above, is not adequate.**

4. GENERAL OBLIGATIONS REGARDING PFS RESPONSES

- a. PFS forms shall be completed with full and correct information to the best of plaintiff's knowledge. A completed Fact Sheet shall be considered interrogatory answers and as responses to requests for production pursuant to Rule 4:18 of the New Jersey Rules of Civil Procedure. Such responses require the execution of a **dated** PFS Certification **signed by** the Plaintiff(s). Failure to provide an answer or respond, or failure to properly certify

responses, may lead to dismissal under Rule 4:23-5(a) and related protocols established by this Court.

- b. The plaintiff certification requirement set forth in paragraph (a), above, extends to required Certifications that there has been no change to the PFS or medical status that may be required from time to time by Court order, and shall not be required for routine supplements and amendments by counsel.
- c. All parties are to comply fully with this protocol.

5. CHANGE TO RECORDS COLLECTION VENDOR AND GENERAL OBLIGATIONS REGARDING RECORDS AUTHORIZATIONS

- a. For all cases filed or otherwise made part of this MCL after December 2, 2021, and the entry of the Amendment to CMO 3 accompanying the December 2, 2021 predecessor order, plaintiffs are to provide fully-executed (but undated) copies of each of the updated authorizations appended to this Order as Schedule A. Prior forms of authorization appended to prior orders such as CMO No. 5 are now obsolete.¹ Plaintiff

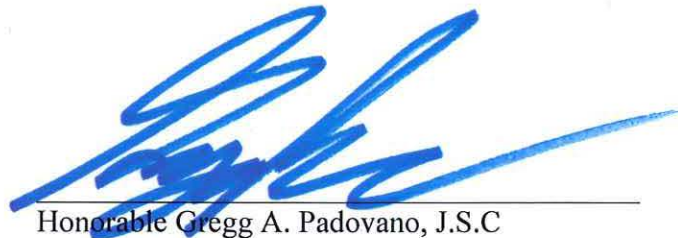
¹ Paragraphs 7 and 8 of CMO 3 entered on 2012 remain in effect but also now include vendor LMI: If a plaintiff's counsel does not wish to enter into the agreement with *Marker* or with *LMI*, plaintiff's counsel will nevertheless provide executed authorizations with its Plaintiff's Fact Sheets which are fully completed to the best of plaintiffs' and plaintiffs' counsel's ability and knowledge with the names of plaintiffs' treaters, complete and correct addresses for the treating physicians and/or facility, and are generally consistent with the time frame of twenty (20) years prior to the date of plaintiff's initial mesh implant surgery for every physician requested to be identified in the Plaintiffs' Fact Sheet. If plaintiff's counsel does not believe the 20 year time frame is appropriate based on the specific circumstances of the Plaintiff's case, the parties are to meet and confer. If the matter cannot be resolved, the parties are to request a telephonic conference with the Court and in advance of that conference are to submit their respective positions in writing to the Court. (§ 7) If defense counsel is seeking medical records pertaining to abortion procedures which occurred more than twenty (20) years prior to the date of plaintiff's initial mesh implant surgery,

is required to execute *all* of the form authorizations with one exception; if the plaintiff provides with the PFS response a signed certification that no claims are being made for lost wages, then the plaintiff need not execute the IRS forms 4506 and 8821.

- b. For all cases filed or otherwise made part of this MCL as of December 2, 2021 and Amended CMO 3, Records Collection will be conducted by LMI (not the Marker Group). For all cases filed prior to December 2, 2021, records will continue to be collected by the Marker Group, unless otherwise agreed between the parties to a particular case.
- c. All parties are to comply fully with this protocol and those of Amended CMO 3.

Last updated: March 17, 2025

So Ordered:



Honorable Gregg A. Padovano, J.S.C

4935-5001-6807, v. 1

defense counsel must provide support for their position to plaintiffs' counsel and the Court that these abortions are relevant to, impacted, or contributed to the injuries that plaintiff now attributes to the mesh which is the subject matter of her lawsuit. (¶8).