

APR 20 2022

John C. Porto, Acting P.J.Cv.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
MASTER CASE NO. ATL-L-173-20

IN RE PROLENE HERNIA SYSTEM MESH
LITIGATION

CASE NO. 633
Civil Action

CASE MANAGEMENT ORDER NO. 21
[PROCEDURES FOR TREATING
PHYSICIAN FACT WITNESSES]

This matter having been opened to the Court at a Case Management Conference held on the record on April 19, 2022; and The Court having heard the oral argument of counsel; and good cause appearing;

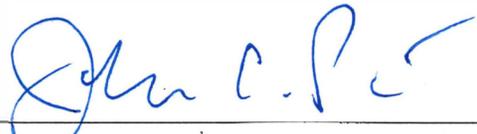
IT IS on this 20th day of April, 2022,

ORDERED as follows:

1. If any treating physician was deposed, that deposition may be used at trial in accordance with the Rules Governing the Courts of the State of New Jersey and the New Jersey Rules of Evidence.
2. If a party intends to call a witness, including but not limited to a treating physician live, the party must give notice of its intent as well as a list of all witnesses testifying live no later than 14 days after the trial pick.
3. If any plaintiffs' attorneys or their representatives meet with, or confer with, any treating physician who was deposed or the representative¹ of any treating physician who was previously deposed, the defendants' attorneys shall be provided with the name of the physician and the date(s) when such meeting took place within seven (7) days after said meeting.

¹ This obligation shall not apply to discussions with representatives of doctors that solely address the scheduling of a meeting between counsel and a doctor. The obligation to notify counsel of communication with representatives applies equally to counsel for both Defendants and Plaintiffs.

4. If a party, an attorney or their representative becomes aware that any treating physician has developed additional or different opinions or intends to offer additional or different testimony from the physician's deposition testimony, before that party calls the treating physician live to offer the additional/different opinions or testimony at trial or for a trial preservation *de bene esse* deposition, the party must provide an appropriate and detailed disclosure of the additional/different opinions or testimony, no later than the deadlines for disclosing expert testimony set in the February 10, 2022 Fifth Amended Case Management Order No. 5 [Discovery, Case Management – Initial Discovery Pool]. An additional deposition to address the additional/changed opinions or testimony may be scheduled if requested.



John C. Porto, Acting P.J.Cv.