

August 29, 2025

HON. BRUCE J. KAPLAN, P.J.Cv.

**SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MIDDLESEX COUNTY**

-----X  
IN RE: ALLEGATIONS OF SEXUAL  
ABUSE IN JUVENILE DETENTION  
FACILITIES OPERATED BY THE STATE  
OF NEW JERSEY  
  
MULTICOUNTY LITIGATION

CASE TYPE: MCL NO. 641

MASTER DOCKET NO:  
MID-L-3913-25

-vs-

**APPLICABLE TO ALL CASES**

STATE OF NEW JERSEY,

Defendant.

-----X

**CASE MANAGEMENT ORDER #2**

**THIS COURT** having conducted an Initial Case Management Conference via video conference with all counsel on August 13, 2025, and the Court having considered the parties' respective proposed agendas and Plaintiffs' amended agenda filed with the Court on July 30 and August 6, 2025 and their respective positions, proposals and objections stated therein, and for good cause shown,

**IT IS** on this 29th day of August 2025,

**ORDERED:**

1. Pre-Trial Bellwether Process: Over Defendant's objection, the Court hereby orders that the actions in this multicounty litigation proceed along a bellwether process. The parties shall meet and confer to agree upon the details of such process, but the Court sets forth the following general guidelines:

- a. Prior to selection of an Initial Bellwether Group, the parties shall engage in targeted discovery to include the exchange of Fact Sheets and additional paper discovery as to be agreed upon between the parties or ordered by the Court.
  - i. On or before August 29, 2025, Defendant shall identify the specific additional questions it wants answered and the additional documents it wants produced aside from those already included in the agreed-upon Plaintiff Fact Sheets. The parties shall promptly meet and confer and submit to the Court a final agreed-upon Plaintiff Fact Sheet and additional paper discovery, or the specific disputes thereon for resolution by the Court at the October 15, 2025 case management conference or such other date as may be scheduled by the Court.
  - ii. On or before August 29, 2025, Defendant shall identify specific objections to Plaintiffs' proposed Defendant Fact Sheet, proposing reasonable alternatives for any areas of disagreement. The parties shall promptly meet and confer and submit to the Court a final agreed-upon Defendant Fact Sheet, or the specific disputes thereon for resolution by the Court at the October 15, 2025 case management conference or such other date as may be scheduled by the Court.
  - iii. After approval by the Court, Plaintiff Fact Sheets (and additional paper discovery) shall be produced within 60 days thereafter; and additional paper discovery, including Defendant Fact Sheets, shall be produced within 90 days to 120 days thereafter. The Parties shall agree upon and

submit a final, specific deadline in the joint proposed case management order #3 to be submitted to the Court pursuant to paragraph 2 hereof.

- b. After submission by the parties of their respective Fact Sheets and additional paper discovery, and after resolution of any disputes over the sufficiency of such Fact Sheets and paper discovery, an initial pool of 25 cases shall be selected for the Initial Bellwether Group.
  - i. The Court proposes that 10 cases be selected by the Plaintiffs, 10 cases be selected by Defendant, and 5 cases be selected at random by the Court. The Parties may modify the process and criteria for selection by agreement. The Parties shall promptly meet and confer and submit to the Court a final agreed-upon process and criteria for selection, or the specific disputes thereon for resolution by the Court.
- c. The Initial Bellwether Group shall proceed to full fact discovery, including but not limited to party and fact witness depositions.
- d. Following fact discovery on the Initial Bellwether Group, this Initial Bellwether Group shall be narrowed to 12 cases.
  - i. The Court proposes that 5 cases be selected by the Plaintiffs, 5 cases be selected by Defendant, and 2 cases be selected at random by the Court. The Parties may modify the process and criteria for selection by agreement. The parties shall promptly meet and confer and submit to the Court a final agreed-upon process and criteria for selection, or the specific disputes thereon for resolution by the Court.

- e. This narrower group of 12 cases shall proceed to and complete expert discovery and Rule 4:19 Medical Examinations.
- f. Following expert discovery and Rule 4:19 Medical Examinations for the narrower group, the parties shall meet and confer and submit to the Court an agreed-upon process for dispositive motion practice and, if necessary, trial proceedings.

2. Joint Proposed Case Management Order #3: By no later than September 19, 2025, the parties shall submit a Joint Proposed Case Management Order #3, detailing the full pretrial bellwether process in compliance with the guidelines set forth above. To the extent that the Parties are unable to reach agreement on any item, the parties must submit specific, targeted objections.

3. Responses to Master Long Form Complaint and Short Form Complaints: Per the parties' August 15, 2025 stipulation, Defendant's response to the master long form complaint is due September 12, 2025. Defendant's response to each short form complaint shall be due within 30 days of service of the Plaintiff Fact Sheet for that respective Plaintiff.

4. Third-Party Defendants: When filing its answers to Plaintiffs' short form complaints, Defendant shall name as third-party defendants any individuals or entities involved in the alleged abuse that Defendant can identify based on the information available prior to discovery, identifying such individuals and entities by name or using fictitious names as appropriate. Defendant reserves the right to apply to the Court to amend its responsive pleadings to add, remove or further specify third-party defendants based on information received during discovery.

5. Case Management Conference: The next Case Management Conference shall be held via Zoom on October 15, 2025 at 9:00am.

Pursuant to R. 1:5-1(a), movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the entry of the Order.

*/s/ Bruce J. Kaplan*  
 The Honorable Bruce J. Kaplan, P.J.Cv.