

SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MIDDLESEX COUNTY

FILED

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October 30, 2025

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

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

CASE TYPE: MCL NO. 641

MULTICOUNTY LITIGATION

MASTER DOCKET NO.:

-vs-

MID-L-3913-25

STATE OF NEW JERSEY,

APPLICABLE TO ALL CASES

Defendant.

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STATE OF NEW JERSEY,

Third Party Plaintiff,

v.

JOHN DOES 1-100 and ABC CORPORATIONS 1-
100 (being fictitious persons insufficiently identified
in the master long form complaint who committed,
knew of, failed to report or otherwise acted
improperly in connection with the abuse alleged),

Third Party Defendants.

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CASE MANAGEMENT ORDER #3

This matter having come before the Court for purposes of case management; and Plaintiffs' counsel and Defendant's counsel having engaged in multiple meet and confer conferences to establish a structure to govern these cases moving forward in a bellwether process initially proposed in Case Management Order #2 ("CMO #2"), and the Court having considered the October 7, 2025 submission of Plaintiffs and Defendant and having held a case management conference on October 15, 2025 (Clark A. Binkley, Esq., Levy Konigsberg LLP, appearing for

Certain Plaintiffs, Stacy L. Hughes, Esq., Baldante & Rubinstein PC, appearing for Certain Plaintiffs, John C. McMeekin II, Esq., Rawle & Henderson LLP, appearing for Defendant, and Edwin F. Chociey, Jr., Riker Danzig LLP, appearing for Defendant); and good cause having been shown;

IT IS on this 30th day of October 2025, **ORDERED** that these matters shall be governed by the following:

1. Limitation to New Jersey Training School at Jamesburg, New Jersey

The parties agree that the Initial Bellwether Group (as defined herein) and their respective PFS and DFS responses (as defined herein) shall be limited to allegations concerning the New Jersey Training School at Jamesburg, New Jersey (“Jamesburg Facility”) and to Plaintiffs who allege abuse at the Jamesburg Facility. At this time, the below procedures in sections 2 (Pre-Bellwether Selection Discovery), 3 (Initial Bellwether Group Selection Protocol), 4 (Bellwether Paper Fact Discovery), 5 (Selection of First Narrowed Bellwether Group), 6 (First Narrowed Bellwether Group Depositions), 7 (Selection of Second Narrowed Bellwether Group), 8 (Bellwether Expert Discovery) and 9 (Bellwether Dispositive Motion Practice and Trials) therefore apply solely to Plaintiffs who allege abuse at the Jamesburg Facility, and Defendant’s discovery obligations apply solely to the Jamesburg Facility.

2. Pre-Bellwether Selection Discovery

- a.** Plaintiff Fact Sheets (“PFS”) – The parties have revised the previously agreed-upon PFS to include a proposed Supplemental Information section that, subject to Court approval, also shall be completed by each Plaintiff. Each Plaintiff shall complete and submit all portions of the PFS, including the Supplemental Information portion, HIPAA authorizations and production of responsive documents (“PFS response”). For cases filed

as of the date of this CMO #3, the PFS response shall be submitted no later than January 20, 2026. For cases filed after the date of this CMO #3, the PFS response shall be submitted either 90 days after service of a Short Form Complaint (“SFC”) or by January 20, 2026, whichever is later.

- i.** No Plaintiff shall be eligible to be selected to be part of the Initial Bellwether Group (as defined herein) unless a PFS response is served by January 20, 2026.
 - ii.** The proposed PFS with the Supplemental Information portion is attached hereto as Exhibit A.
- b.** Defendant Fact Sheets (“DFS”) – Upon receipt of a PFS response, Defendant shall have 90 days to serve the DFS and production of responsive documents (“DFS response”) from the date of service of the PFS response or January 20, 2026, whichever is earlier. The proposed DFS is attached hereto as Exhibit B. If no Supplemental Information portion of the PFS response is submitted by January 20, 2026, Defendant may serve a DFS response within 90 days of the service of the Supplemental Information portion of the PFS. The DFS responses shall be limited to the Jamesburg Facility and Plaintiffs who allege abuse at the Jamesburg Facility.
- c.** The exchange of PFS and DFS responses shall not preclude the exchange of such responses for Plaintiffs who do not allege abuse at the Jamesburg Facility in accordance with future case management orders.
- d.** Paragraph 3 of CMO #2 is hereby amended to state that Defendant’s response to a SFC shall be due within 30 days of service of the Supplemental Information portion of the PFS for each respective Plaintiff.

3. Initial Bellwether Group Selection Protocol

- a.** An initial pool of 40 cases shall be selected for the Initial Bellwether Group (“Initial Bellwether Group”). These cases shall be selected to ensure that the makeup of the Initial Bellwether Group reflects the makeup of the overall case pool in terms of the nature of abuse alleged (“Strata”). Plaintiffs will be grouped into one of four Strata based on the abuse alleged (and if there are allegations of multiple types of abuse for one Plaintiff, based on most severe nature of abuse alleged). In order from most severe to least severe, these Strata are: (1) penetration, (2) oral copulation, (3) masturbation, and (4) groping/fondling.
- b.** By no later than January 30, 2026, the parties shall calculate the percentage of cases in the overall pool of Plaintiffs who fall into each Strata, based on the Plaintiffs who submitted a PFS response by January 20, 2026. The parties and the Court shall then select Initial Bellwether Group cases as follows:
 - i.** Plaintiffs shall select 16 Initial Bellwether Group cases, distributed across the Strata in the percentage calculated above;
 - ii.** Defendant shall select 16 Initial Bellwether Group cases, distributed across the Strata in the percentage calculated above;
 - iii.** The Court shall randomly select 8 Initial Bellwether Group cases, distributed across the Strata in the percentage calculated above.
- c.** In selecting the Initial Bellwether Group cases, the parties shall attempt to propose cases that they have a good faith belief are representative cases to advance the litigation at large, promote the prospects of mediation and potential settlement, and litigate to verdict those cases of particular significance to the overall litigation.

d. As a general rule, each party shall have autonomy as to the selection of their Initial Bellwether Group cases provided that they follow the requirements regarding distribution across Strata as described above.

e. On or before May 4, 2026, Plaintiffs' counsel and Defendant's counsel shall exchange their proposed Initial Bellwether Group cases. Thereafter, the parties shall meet and confer to eliminate any redundancy in the proposed cases and propose cases to substitute for those redundancies.

f. On or before May 18, 2026, Plaintiffs' counsel and Defendant's counsel shall submit their Initial Bellwether Group cases to the Court in writing and include the case name, docket number, and lead trial counsel.

g. The Court shall randomly select its 8 Initial Bellwether Group cases no later than June 1, 2026, and will advise all counsel of the case names and docket numbers.

h. Upon finalization of the selection of all Initial Bellwether Group cases, Plaintiffs' counsel shall file via eCourts a proposed order listing the Initial Bellwether Group cases that have been selected to move forward to the Bellwether Paper Fact Discovery process.

4. Bellwether Paper Fact Discovery

a. The Initial Bellwether Group shall proceed to full paper fact discovery, including but not limited to document production and interrogatories that may exceed the information covered in the PFS and DFS and the Supplemental Information portions thereof, HIPAA authorizations and productions of responsive documents ("Bellwether Paper Fact Discovery").

i. Bellwether Paper Fact Discovery must be completed by December 1, 2026.

- ii. Discovery relevant to general liability (e.g., documents and fact witness depositions related to Defendant's policies and procedures at Jamesburg) shall be conducted during the period allocated to Bellwether Paper Fact Discovery under this section.

5. Selection of First Narrowed Bellwether Group

- a. Following Bellwether Paper Fact Discovery of the Initial Bellwether Group, the Initial Bellwether Group shall be narrowed to 20 First Narrowed Bellwether Group cases.
 - i. Plaintiffs shall select 8 cases, distributed two per Stratum;
 - ii. Defendant shall select 8 cases, distributed two per Stratum;
 - iii. The Court shall randomly select 4 cases, distributed one per Stratum.
- b. On or before February 5, 2027, Plaintiffs' counsel and Defendant's counsel shall submit their respective 8 First Narrowed Bellwether Group cases to the Court in writing and include the case name, docket number, and lead trial counsel.
- c. The Court shall randomly select its 4 First Narrowed Bellwether Group cases, no later than February 19, 2027 and will advise all counsel of the case names and docket numbers.
- d. Upon finalization of the selection of the First Narrowed Bellwether Group cases, Plaintiffs' counsel shall file via eCourts a proposed order listing the First Narrowed Bellwether Group cases that have been selected to move forward to the Bellwether Deposition process.

6. First Narrowed Bellwether Group Depositions

- a.** The First Narrowed Bellwether Group shall proceed to and complete fact witness depositions, including but not limited to depositions of Plaintiffs within the First Narrowed Bellwether Group, by no later than June 21, 2027.

7. Selection of Second Narrowed Bellwether Group

- a.** Following First Narrowed Bellwether Group depositions, the First Narrowed Bellwether Group shall be further narrowed to 12 cases (“Second Narrowed Bellwether Group”).
 - i.** Plaintiffs shall select 4 cases, distributed one per Stratum;
 - ii.** Defendant shall select 4 cases, distributed one per Stratum;
 - iii.** The Court shall randomly select 4 cases, distributed one per Stratum.
- b.** On or before July 21, 2027, Plaintiffs’ counsel and Defendant’s counsel shall submit their respective Second Narrowed Bellwether Group cases to the Court in writing and include the case name, docket number, and lead trial counsel.
- c.** The Court shall randomly select its 4 Second Narrowed Bellwether Group cases no later than August 4, 2027 and will advise all counsel of the case names and docket numbers.
- d.** Upon finalization of the selection of the Second Narrowed Bellwether Group cases, Plaintiffs’ counsel shall file via eCourts a proposed order listing the Second Narrowed Bellwether Group cases that have been selected to move forward to the Bellwether Expert Discovery process.

8. Bellwether Expert Discovery

- a.** The Second Narrowed Bellwether Group shall proceed to and complete expert discovery and Rule 4:19 Medical Examinations.

- i. Plaintiffs are to identify experts retained on their behalf by October 1, 2027.
- ii. Plaintiffs' expert reports on liability and damages must be served by November 1, 2027.
- iii. Defendant is to identify experts retained on its behalf by November 1, 2027.
- iv. Defendant's expert reports on liability and damages must be served by December 1, 2027.
- v. Expert depositions are to be completed by January 28, 2028.

9. Bellwether Dispositive Motion Practice and Trials

- a. The scheduling of dispositive motion practice and trials shall be addressed in future case management orders.¹

10. Remaining Proceedings

- a. The parties recognize that all cases in this multicounty litigation ("MCL") (including cases for Plaintiffs who allege abuse at facilities other than the Jamesburg Facility) are subject to full individual discovery and trial in accordance with N.J.S.A. 2A:14-2a(c)(1) and N.J.S.A. 2A:14-2b(c)(1). Following the Initial Bellwether Group, the remaining cases will continue to proceed in accordance with future case management orders until all cases have been resolved. By agreement of all counsel, discovery regarding

¹ Plaintiffs reserve the right to move for consolidated trials of certain individual Plaintiffs pursuant to Rule 4:38-1, in the interest of efficiency and if warranted by the facts and circumstances of particular cases. If Plaintiffs choose to make such a motion, they shall do so on or before July 21, 2027. Defendant reserves all rights in opposition to any such motion(s), including but not limited to under N.J.S.A. 2A:14-2a(c)(1) and N.J.S.A. 2A:14-2b(c)(1).

Plaintiffs who are not selected as part of the Initial Bellwether Group is stayed until further Court order regarding discovery in such cases.²

b. The scheduling of discovery and trial for the remaining cases shall be addressed in future case management orders.

c. Upon approval of the Court, this order may be modified or amended only for good cause shown, after appropriate notice and opportunity to be heard is provided to the affected parties.

/s/ Bruce J. Kaplan

Hon. Bruce J. Kaplan, P.J.Cv.

² Defendant maintains its objection to self-selection in the bellwether process and reasserts its position that randomization is the most fair and equitable methodology to select a representative sample of cases in this MCL. As set forth in the October 7, 2025 joint letter to the Court, Defendant believes that the use of randomized stratified bellwether selection in this MCL would be most likely to facilitate the selection of bellwether groups for discovery and trial that are representative of the overall pool and distribution of abuse allegations as a whole and would provide the most meaningful information to the parties for potential resolution of the entire MCL. Defendant respectfully reserves, and does not waive, its rights and objections in connection with the foregoing. Nevertheless, Defendant is prepared to move forward consistent with the Court's recommended plan described at the October 15, 2025 case management conference and as set forth in this CMO #3.

EXHIBIT A

SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MIDDLESEX COUNTY

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

MULTICOUNTY LITIGATION

This Document Relates to:

Plaintiff

CASE TYPE: MCL NO. 641

MASTER DOCKET NO:
MID-L-3913-25

DOCKET NO.: MID-L-_____

-vs-

PLAINTIFF FACT SHEET

STATE OF NEW JERSEY,

Defendant.
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Fact Sheet to be Provided to New Jersey Juvenile Justice Commission

Please use additional sheets if necessary.

1. IDENTIFYING INFORMATION:

- a. Full name, including any other or prior names used:
- b. Date and place of birth;
- c. SBI Number, also known as a State Bureau of Identification Number;
- d. JN Number, also known as a Juvenile Commit ID or Juvenile Number;
- e. INM #, also known as an Inmate Number or Adult State Number;
- f. Social Security Number.

2. RESIDENCY AT NEW JERSEY FACILITY OR FACILITIES: Please list the New Jersey facilities in which you resided and the start date and end date, including the month and year,

of your residency in the facility(ies). If the month is unknown, please include the time of year, i.e., summer, spring, fall, winter, a specific holiday, etc.

3. ABUSE: Please provide a narrative of the abuse you allege occurred, including when and where it occurred, while you were a resident of the above listed facility(ies). Please include names (and any nicknames) and physical descriptions of abusers and any witnesses to the abuse, to the best of your recollection. Please include enough detail so that we may understand the abuse that occurred.

Please also complete the below chart:

Type of abuse	Approximate number of incidents
Penetration	
Oral sex	
Masturbation	
Groping	

4. REPORTS OR COMPLAINTS OF ABUSE: If you reported the abuse to anyone at the above listed facilities or any law enforcement or other authorities, please identify to whom you reported, when, how and what you reported.
5. AFTER THE ABUSE: Please provide a narrative of your life after the last incident of abuse that occurred in the facility(ies) listed above to the present day with enough detail so that we may understand the effects of the abuse on your life.

6. **TREATMENT AND DIAGNOSIS:** Please provide a narrative of any medical and/or mental health treatment that you received as a result of the abuse, including when and where you received treatment.

7. **SUBSEQUENT INCARCERATION:** If you were incarcerated as an adult after release from the facility(ies) listed above, please provide the name of the facilities in which you were incarcerated as an adult. Please include the start and end dates of your incarceration as an adult, or time of year, and reasons for subsequent incarceration.

8. **EDUCATION:** Please provide a summary of your education, for example, elementary school, junior high school, high school, GED, college, masters degree or higher, and identify the schools from which you graduated, beginning with high school, and the degrees earned. Please include any certifications or professional licenses that you have received, for example, information technology certifications, paralegal certification, pharmacy technician certification, EMS certification, trade certifications and the like.

9. **EMPLOYMENT:** Please provide a summary of your employment after release from the facility(ies) listed above. Please include dates of employment, the names and locations of your employers and job titles.

10. FAMILY STATUS:

- a. Are you currently married or in a serious relationship?
- b. How many marriages or serious relationships have you had after your release from the facility(ies) listed above?
- c. Do you have children? If so, how many?
- d. How often are you in contact with your children?
- e. Do you consider yourself estranged from any of your children, biological family or adoptive family?
- f. Please provide a narrative regarding your family relationships with enough detail so that we may understand the effects of the abuse on your family relationships.

DOCUMENTS REQUESTED: Please provide the following documentation, if reasonably available and if not, explain why such document(s) are not available.

- Discharge and any other documents that you received when you were released from the above listed facility(ies).
- Medical and mental health treatment records, including but not limited to mental health therapy or psychological or psychiatric treatment records, after your release from the above listed facility(ies) and that relate to any harm or injuries to you resulting from the abuse.
- Reports or complaints of the abuse while you resided at the facility(ies).
- Any available documents that you wrote about the abuse, such as letters, diaries, emails or texts; you do not need to perform an in-depth search of your computer, phone or other devices, but if you have any such documents available, it would be helpful to provide them.
- If you were incarcerated after release from the facility(ies) listed above, any documents in your possession relating to such incarceration.

Certification

I certify that the foregoing statements made by me are true. I am aware, that if any of the foregoing statements are willfully false, I am subject to punishment.

Signature:_____

Print name:_____

Dated:_____

Supplemental Information for Plaintiff Fact Sheet

1. Provide Medicare and/or Medicaid number(s), if applicable.
2. To the extent not already provided, identify the full name(s) for abuser(s), if known.
3. State whether you were ever incarcerated or confined in a juvenile facility outside of New Jersey. If so, state the name of the facility, the approximate dates of confinement and the reasons for confinement.
4. Provide HIPAA medical release forms for any treatment or diagnosis described in response to paragraph 6 of the plaintiff fact sheet.
5. If a loss of income, profit or earnings is claimed: (a) state total amount of the claimed loss; and (b) state the nature and source of the claimed loss of income, profit and earnings and the dates of the claimed deprivation.
6. State the names and present addresses of all persons who have knowledge of any facts relating to the case, including but not limited to knowledge concerning any admissions made by anyone relating to the case's subject matter, and describe any such knowledge of any facts and any such admissions.
7. If you have obtained a statement relating to the your short form complaint's allegations or your plaintiff fact sheet's responses from any person who possesses material information relating to this action, state: (a) the name and present address of the person who gave the statement; (b) whether the statement was oral or in writing and if in writing, attach a copy; (c) the date the statement was obtained; (d) if such statement was oral, whether a recording was made, and if so, the nature of the recording and the name and present address of the person who has custody of it; (e) if the statement was written, whether it was signed by the person making it; (f) the name and present address of the person who obtained the statement; and (g) if the statement was oral, a detailed summary of its contents.
8. State whether you have been a party to any other lawsuits or legal proceedings relating to any injuries, diseases, illnesses or conditions alleged in your short form complaint or plaintiff fact sheet and if so, identify the case name, docket number, jurisdiction, your party designation (plaintiff, defendant, etc.) and outcome, and identify any and all of your damages or injuries claimed.
9. If a pre-existing injury, disease, illness or condition is claimed to have been aggravated, accelerated or exacerbated as a result of any alleged abuse described in your short form complaint or plaintiff fact sheet, please specify in detail the nature of each such pre-existing injury, disease, illness or condition and explain how such pre-existing injury, disease, illness or condition was allegedly aggravated, accelerated or exacerbated. For each such pre-existing injury, disease, illness or condition, identify the health care provider who

provided treatment and, unless already disclosed in your plaintiff fact sheet, identify that provider's present address and describe the treatment rendered.

10. State whether you have received any Social Security disability payments or other government benefits relating to any injuries, diseases, illnesses or conditions alleged in your short form complaint or plaintiff fact sheet or any pre-existing injury, disease, illness or condition addressed in paragraph 9 hereof, and if so, identify the type of government assistance received and when received.

EXHIBIT B

SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MIDDLESEX COUNTY

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

CASE TYPE: MCL NO. 641

MULTICOUNTY LITIGATION

MASTER DOCKET NO:
MID-L-3913-25

This Document Relates to:

DOCKET NO.: MID-L-_____

Plaintiff

DEFENDANT FACT SHEET

-VS-

STATE OF NEW JERSEY,

Defendant.

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Please use additional sheets if necessary.

DEFINITIONS & INSTRUCTIONS

1. As used herein, "YOU," "YOUR," or "YOURS" means Youth Justice Commission and the Juvenile Justice Commission.
2. The term "DOCUMENT" means any designated documents or electronically stored information - including, without limitation, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations - stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

I. Defendant Fact Sheet ("DFS") Information

Date this DFS was completed: _____

Please provide the following information for the person or persons who provided information responsive to the questions posed in this DFS.

Name: _____

Current Position: _____

(If no longer employed, last position with Defendant)

City of Employment: _____

(If no longer employed, city of residence)

II. ATTENDANCE AT STATE-OWNED AND OPERATED JUVENILE FACILITIES

To the extent that the following information is reasonably available to the Youth Justice Commission/Juvenile Justice Commission (“YJC/JJC”)¹, please respond to the following questions:

A. Did Plaintiff reside at the State of New Jersey facility or facilities identified in paragraph 2 of the plaintiff fact sheet (“PFS”)?

YES _____ NO _____ Unknown at the present time _____

If yes, please state to the extent known:

1. The dates during which Plaintiff resided at the facility or facilities:
2. The jurisdiction, juvenile court, and/or agency or individual that placed Plaintiff:
3. The charge(s) that resulted in Plaintiff residing at the facility or facilities, i.e., the charge necessitating Plaintiff’s residence there.

B. For each of Plaintiff’s residences, please identify:

1. The Counselor(s) and/or Social Worker(s) specifically assigned to Plaintiff during their residences at the facility or facilities identified in paragraph 2 of the PFS².

C. Was the State of New Jersey Department of Children and Families, the Child Abuse Hotline, ChildLine, the Plaintiff’s committing court or Plaintiff’s family or guardian, contacted as a result of any alleged incident at the facility or facilities identified in paragraph 2 of the PFS?

YES _____ NO _____ Unknown at the present time _____

If yes, please state the date and nature of the report, the person(s) who reported the alleged incident, the person(s) that prepared the report, and person(s) who received the report.

¹ The YJC/JJC will endeavor to produce information reasonably available and in its possession from predecessor agencies.

² PFS refers to and includes the Plaintiff Fact Sheet and the Supplemental Information portion thereof.

III. YOUTH JUSTICE COMMISSION/JUVENILE JUSTICE COMMISSION'S AGENTS, EMPLOYEES AND/OR DETAINEES IDENTIFIED IN PLAINTIFF'S FACT SHEET

- A. For each person identified by at least their last name or reasonably identifiable by YJC/JJC by their first name and other provided information in paragraphs 3 and 4 of the PFS who was a YJC/JJC employee or whose information is otherwise in the YJC/JJC's possession and reasonably available:³
1. State such person's relationship to YJC/JJC (e.g., current or former agent, representative, servant, employee, administrator, director, independent contractor, or medical/dental/psychological/physical therapy provider, social worker or counselor).
 2. Indicate: (i) the dates of such person's employment or association with the YJC/JJC; (ii) their job titles/roles at the time of Plaintiff's placement at YJC/JJC facility or facilities identified in paragraph 2 of the PFS; and (iii) their current job/title roles at the YJC/JJC or the circumstances of their separation from the YJC/JJC, as applicable.

IV. REQUEST FOR PRODUCTION

Please produce a copy of the following documents in your possession, custody, or control, subject to any applicable privileges or confidentiality protections.

- A. The YJC/JJC file for Plaintiff, i.e., education, medical, classification and fiscal files.
- B. Any and all reports of alleged sexual abuse, and any recorded statements, photographs, or videos relating to such reports, pertaining to Plaintiff while in the custody, care, and control of the State of New Jersey while residing at a State-owned and -operated juvenile facility or facilities.
- C. The YJC/JJC personnel file for each person identified in paragraphs 3 and 4 of the PFS, and/or records, if reasonably available, sufficient to identify such persons to the extent that they have not been identified by at least their last name.

³ For the avoidance of doubt, this provision does not require that Defendant search third-party records.