

In Re: Singlair ® Litigation

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY

MCL Code 637

DOCKET NO. ATL-L-481-22

**CASE MANAGEMENT ORDER  
(RECORDS COLLECTION)**

This matter having been opened to The Court at a Case Management Conference held on April 26, 2023, in the presence of the attorneys for the plaintiffs and the attorneys for the defendants, and good cause appearing;

IT IS on this 26<sup>th</sup> day of April, 2023,

**ORDERED:**

This Order establishes the procedures for the Plaintiffs to access the records the Defendants collect pursuant to any signed authorizations provided by Plaintiffs to the Defendants' counsel. This Order is not intended to and does not create any obligation for any Plaintiff to access any of the records collected by Defendants.

**A. PLAINTIFFS' ACCESS TO RECORDS THE DEFENDANTS COLLECT**

1. Plaintiffs' counsel shall have the opportunity to receive notice, and to review and obtain copies of records collected by the Defendants by the means specified in Section B below, through the use of a record copy service vendor. *Litigation Management, Inc. ("LMI")* has been retained by Defendants Merck & Co., Inc. and Merck Sharp & Dohme Corp. and Organon & Co. as the record collection service vendor to perform the service.

2. Upon establishment of a *User Account* by counsel representing a particular Plaintiff(s), as set forth in Section B below, the authorized user will receive E-mail alerts from LMI notifying the user that new records for the Plaintiff(s) associated with that account were posted to the on-line repository for access by the counsel representing such Plaintiff(s).

3. The E-mail alert will identify Plaintiff(s)' name(s), and the name(s) of the records provider(s), the type of record, and the Bates label range for the records.

4. Plaintiffs shall have the ability, but not the obligation, to obtain copies of the records that are retrieved through *LMI*. The Fees related to the record collection vendor services are set forth on Exhibit A, attached hereto, and shall not increase during the course of this litigation.

**B. ESTABLISHMENT OF USER ACCOUNTS**

1. Plaintiff(s) counsel may establish *User Accounts* by contacting *LMI* at [recordrepository@lmiweb.com](mailto:recordrepository@lmiweb.com). Plaintiff(s)' counsel will be required to provide to *LMI*:

a. A list of the name(s) and E-mail address(es) of each individual in the law firms representing Plaintiff(s) who are authorized to access the Record Repository, so that *User Accounts* can be generated and communicated to those for whom authorized access is requested. The one-time user fee to establish access shall cover all individuals in the law firm representing a plaintiff of the law firm;

b. A listing of the Plaintiff(s) for whom those counsel are attorneys of record, including for each individual person the following information: last name, first name, middle name, and maiden name if applicable, docket number, case caption, and jurisdiction where the case is currently pending. If a Plaintiff is representing an estate, the decedent as well as the estate administrator/representative must be identified. If the Plaintiff has a common name,

an additional identifier may be requested to ensure access is granted only to that specific person. This list must be updated by Plaintiffs' counsel with *LMI* during the first week of each month with respect to any cases newly filed during the prior month and/or any corrections that may need to be made;

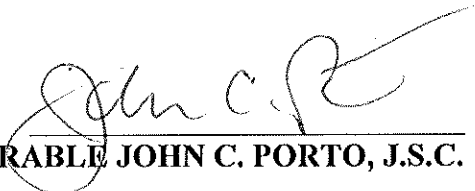
- c. The name, title, and E-mail address of the primary contact person for Plaintiff(s)' counsel for interactions with *LMI*;
- d. A valid credit card [MasterCard, Visa, or American Express] to be used for the purchase of any plaintiff(s)' records. The credit card will be charged in accordance with the fee schedule in the attached Exhibit A; and,
- e. The name and E-mail address of the person to whom receipts for credit card charges should be directed.
- f. Establishing a user account with *LMI* does not obligate Plaintiffs' counsel to obtain any records through *LMI*.

C. **INADVERTENT OR MISTAKEN DISCLOSURE OF PRIVILEGED DOCUMENTS—“CLAWBACK” PROCEDURE**

Notwithstanding any other provision or paragraph of this Order, the procedure regarding notification and “clawback” of inadvertent or mistaken disclosure of privileged or otherwise protected documents or information set forth in Paragraph 13 of the Stipulated Protective Order entered October 28, 2022 shall apply equally to the inadvertent or mistaken disclosure of Plaintiff(s)' records produced to or otherwise obtained by Defendants which are privileged or otherwise legally prohibited from disclosure.

The within Case Management Order shall apply to each member related case previously transferred to or filed in this Court. In cases subsequently filed in this Court, it shall be the responsibility of the Parties to review and abide by all pretrial Orders previously entered by the

Court. The Orders may be assessed through the New Jersey State Court Electronic Filing System.



**HONORABLE JOHN C. PORTO, J.S.C.**

**EXHIBIT A**

<b>LMI PRICING</b>	
<b>OPPOSING COUNSEL REPOSITORY</b>	
Email notification of records received will be issued nightly, every night where records have been received. A per record fee for each Providers' set of records downloaded, the first time it is downloaded by that user, will be assessed to the credit card on file at the time of purchase.	
<b>User Set-Up Fee</b>	No cost
<b>Records Received Notification Email Fee</b>	No cost
<b>Record Review/Initial Download Fee</b>	\$30.00/Provider