

FILED**FEB 10 2022****JOHN C. PORTO, J.S.C.**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
MASTER CASE NO. ATL-L-3857-21

CASE NO. 636

Civil Action

IN RE STRATTICE HERNIA MESH
LITIGATION**CASE MANAGEMENT ORDER NO. 5**
[DISCOVERY, SCHEDULING AND CASE
MANAGEMENT – FIRST TRIAL POOL]

This matter having been opened to the Court by the parties, and for good cause appearing:

IT IS on this 10th day of February, 2022,

ORDERED as follows:

1. Amendments and Joinder

- a. Except as may be further ordered by the Court, all motions for leave to amend a complaint or to join additional parties shall be filed by Plaintiffs no later than 60 days after selection in the First Trial Pool.

2. General Discovery Rules

- a. Except as otherwise provided by this Court's Case Management Orders, the Rules governing the Courts of the State of New Jersey shall apply in this MCL.

3. Selection of Cases for First Trial Pool Workup

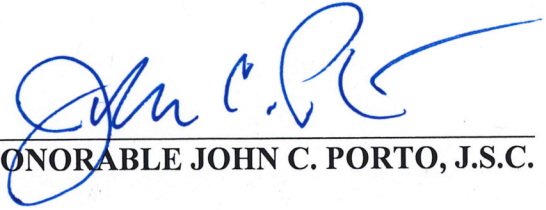
- a. On May 2, 2022, 6 cases shall be selected for Trial Pool workup ("Trial Pool Plaintiffs") in the following manner:
- i. The Plaintiffs shall select 3 Plaintiff Pick cases; and
 - ii. The Defendants shall select 3 Defense Pick cases.

- b. Other than provision of Plaintiff Profile Forms (to be set out in a future Case Management Order), the cases selected for the First Trial Pool shall be the only cases that move forward with case-specific discovery or dispositive motion practice except upon further Order of the Court.
- c. Upon notice of selection for the First Trial Pool, Counsel for Trial Pool Plaintiffs shall obtain affirmation by May 30, 2022 from each Trial Pool Plaintiff that they presently intend to proceed through the Trial Pool process and desire to go to trial.
- d. If a Trial Pool Plaintiff voluntarily dismisses their case for any reason at any time, a replacement case will be selected in the same manner that the dismissed case was originally selected. In that event, the parties shall meet and confer to devise a schedule to ensure that the replacement case is on the same track as the remaining cases in the First Trial Pool.
- e. Trial Pool Plaintiffs will provide a completed Plaintiff Fact Sheet by May 30, 2022. Defendants will provide a complete Defendant Fact Sheet on each by July 29, 2022.
- f. The sales representative document production shall be produced to Plaintiffs no later than August 22, 2022 for each case in the Trial Pool.
- g. Fact discovery on Trial Pool cases may begin immediately after the deadline for service of the Plaintiff Fact Sheets. Depositions of physicians may be scheduled to occur on and after September 12, 2022. If either party asserts that physician depositions should not go forward due to incomplete discovery, the parties shall promptly meet and confer to resolve the discovery issues and, if resolution cannot be reached, shall bring the matter to the Court's attention promptly.

- h. The parties are directed to work together to schedule case-specific depositions, including, but not limited to, addressing issues regarding which party questions first, how costs associated with depositions are paid, and how the depositions get scheduled. Absent agreement of the parties, Defendants shall not contact a plaintiff's physicians.
- i. Expert Disclosures, Discovery, and Science Day:
- i. Plaintiffs' expert disclosures and reports shall be served by March 15, 2023. Defendant's expert disclosures and reports shall be served by April 28, 2023. Rebuttal reports by Plaintiff's experts shall be served by May 12, 2023.
 - ii. The parties will meet and confer with respect to scheduling of expert depositions and deposition of experts may commence as of April 28, 2023. All expert depositions for the Trial Pool Cases shall be completed by June 29, 2023.
 - iii. The parties should coordinate the depositions of expert witnesses to the extent there is overlap in the use of experts in multiple Trial Pool Cases. Insofar as either party utilizes or relies on the same general (non-case-specific) expert(s) in multiple cases, those experts shall be deposed only once with respect to their general opinions, unless the expert has offered additional general opinions beyond the initial report.
 - iv. The parties will coordinate and present to the Court a Science Day that should occur between April, 2023 and July, 2023 at an appropriate time and date that fits with the Court's schedule.

- j. Trial Case Selection: The Parties shall work together in good faith to agree upon the order of trials and submit to the Court a joint proposal for the order of trials by August 1, 2023. The Court will hold a hearing at the August 2023 case management conference to finalize the order of trials and set a briefing schedule on motions for the Trial Pool Cases.
- k. Motions: The Parties may file 1 motion to limit or exclude an expert's general (i.e. non-case specific) testimony per expert for all Trial Pool Cases, and this shall be done at the time of the first trial in accordance with the schedule set by the Court for motions practice. The Parties shall not file any additional general expert motions for the Trial Pool Cases after this time, without leave of court. Such motions shall be filed in the main MCL docket. Case-specific motions to limit or exclude expert testimony (i.e. opinions applicable to only case-specifics) and dispositive motions shall be filed only in the individual applicable case and may be filed in that case in accordance with the Court's briefing schedule for the Trial Pool Cases. Case-specific expert motions or dispositive motions shall not be filed in any given case until the order of trials have been established and Ordered by the Court in accordance with section j. above. If a case is dismissed due to dispositive motion practice and/or expert motion practice, this shall not affect the order of trials as established by the Court under section j., and if a case is dismissed, the next case in order shall move up to the next trial setting.
- l. First Trial: The Court will set the first trial for late October/early November 2023 (under time parameters sufficient to conclude the trial before the week of

Thanksgiving) and will set further trials thereafter at regular intervals to be determined by the parties and the Court.

A handwritten signature in blue ink, appearing to read "John C. Porto", is written over a horizontal line.

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