

JENNY APPLEWHITE,
Plaintiff,
v.
JOHNSON & JOHNSON, et al.,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

FILED

DOCKET NO. ATL-L-1995-14

MAY 14 2015

CIVIL ACTION

NELSON C. JOHNSON, J.S.C.

BARBARA CALDERON,
Plaintiff,
v.
JOHNSON & JOHNSON, et al.,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

DOCKET NO. ATL-L-1985-14

CIVIL ACTION

MOLLY CHESTEEN and RANDY CHESTEEN,
Plaintiffs,
v.
JOHNSON & JOHNSON, et al.,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

DOCKET NO. ATL-L-414-14

CIVIL ACTION

RITZIE DONALD,
Plaintiff,
v.
JOHNSON & JOHNSON, et al.,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

DOCKET NO. ATL-L-1528-14

CIVIL ACTION

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| <p>DEBORAH DONALS,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-2394-14</p> <p>CIVIL ACTION</p> |
| <p>DORIS JONES,</p> <p>Plaintiff,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-772-14</p> <p>CIVIL ACTION</p> |
| <p>LYNN GAUTHIER,</p> <p>Plaintiff,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-3568-14</p> <p>CIVIL ACTION</p> |
| <p>LATODRA LEE, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF LAVONDA LEE, DECEASED,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-2592-14</p> <p>CIVIL ACTION</p> |

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| <p>DEBORAH SANDLAUFER and DOUGLAS SANDLAUFER,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-2396-14</p> <p>CIVIL ACTION</p> |
| <p>AGNES SPURLOCK,</p> <p>Plaintiff,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-3778-14</p> <p>CIVIL ACTION</p> |
| <p>EMILY SULLIVAN,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-5142-14</p> <p>CIVIL ACTION</p> |
| <p>LINDA SYKES, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF BRENDA PHILLIPS, DECEASED,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-3330-14</p> <p>CIVIL ACTION</p> |

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| <p>CRAIG WERNER, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF BARBARA WERNER, DECEASED,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-1800-14</p> <p>CIVIL ACTION</p> |
| <p>MICHELLE WHITE,</p> <p>Plaintiffs,</p> <p>v.</p> <p>JOHNSON & JOHNSON, et al.,</p> <p>Defendants.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY</p> <p>DOCKET NO. ATL-L-2590-14</p> <p>CIVIL ACTION</p> |

CASE MANAGEMENT ORDER NO. 2

THIS MATTER having come before the Court with the consent of all Counsel, and for good cause having been shown, the Court hereby enters the following order:

It is on this 14th day of May, 2015, ORDERED as follows:

- 1) Pursuant to Rule 4:38-1, the Court hereby, *sua sponte*, consolidates the fourteen above captioned matters, and all matters listed on the attached Exhibit A for purposes of pre-trial discovery only. Unless otherwise requested by counsel or directed by the Court, these matters shall proceed to trial separately.

Plaintiff Discovery

2) In the 14 matters listed above, each Plaintiff shall complete and serve upon Defendants all outstanding discovery deficiencies and HIPAA compliant Medical Records Authorization Form for all treaters, providers, hospitals, employers, insurance carriers and government agencies, on or before May 22, 2015.

- a. The scope of production of mental health records and government agency records to be conferred on between the parties.
- b. For Non-OB/GYN providers, Plaintiffs shall execute authorizations for the release of records during the period from five years prior to the diagnosis of cancer to the present.
- c. For OB/GYN providers, Plaintiff shall execute authorizations for the release of records during the period from ten years prior to the diagnosis of cancer to the present.
- d. Defendants reserve the right to seek additional records beyond these time parameters and will confer with Plaintiffs' Counsel regarding same.

3) For those matters listed on Exhibit A hereto, each Plaintiff shall complete and serve upon Defendants complete discovery responses and HIPAA compliant Medical Records Authorization Form for all treaters, providers, hospitals, employers, insurance carriers and government agencies, for the time periods listed in Paragraph 2 above, on or before June 12, 2015 or the time period permitted under paragraph 4, whichever is later. Any outstanding discovery served by the Plaintiffs shall also be due on or before June 12, 2015.

4) For any additional matters filed after this date, Plaintiff shall serve complete discovery responses and HIPAA compliant medical authorizations, for the time periods listed

in Paragraph 2 above, within sixty days of receipt of discovery demands from Defendants. The Defendants shall additionally have within sixty days of receipt of discovery demands from Plaintiffs to provide complete discovery responses.

Defendants' Document Productions

5) The parties are to meet and confer and agree on an ESI Protocol with regard to these productions. If same cannot be agreed to, the issue shall be submitted to the Court no later than May 15, 2015. Defendants shall begin a rolling production of their documents within ten (10) days of finalizing the ESI protocol and shall have their document productions substantially complete on or before July 15, 2015.

Fact Discovery

6) Before the trial pool selection date, the defense may take up to a total of ten depositions of plaintiffs, fact witnesses and/or treating physicians.

7) Corporate Representative Depositions/Defendants' current and former employees - fact witness. These depositions consistent with R. 4:14, shall occur from June 12, 2015 to January 11, 2016 for the trial cases. Custodial records of each employee shall be produced at least 14 days prior to the deposition.

8) All depositions will take place at a mutually agreeable date, place and time and not on less than 45 days' notice to any party unless good cause is shown as to depositions of the defense witnesses.

9) On July 29, 2015 each side shall pick 3 cases for trial. Those selections shall be exchanged via email with copies to the Court. Discovery below shall proceed in these 6 matters only. Discovery in the remaining cases shall be stayed, except that plaintiffs are required to complete and serve full and complete discovery responses within sixty days of receipt of

discovery demands from Defendants.

10) Except for the depositions of current and former employees of the defendants (which shall be completed by January 11, 2016), fact discovery in the initial six trial pool cases shall be completed by January 31, 2016.

11) The deposition of any Plaintiff, including the Plaintiff in a stayed case, may be completed due to the health of the Plaintiff. If the Plaintiff is unable to travel, the deposition may occur in the Plaintiff's home state. The parties will work together to ensure that adequate discovery and records are provided before any such deposition.

Dispositive Motions

12) Any dispositive motions that the parties believe are not dependent on expert testimony shall be filed on or before January 31, 2016. A briefing schedule will be set by the Court at that time.

Trial Selections

13) On December 16, 2015 each side shall pick 1 initial trial case to go forward. Those selections shall be exchanged via email with copies to the Court. The first trial, to be selected by the Plaintiffs, will proceed on July 13, 2016. The second case, to be selected by the Defendants, will proceed to trial on January 4, 2017. [NOTE: Both such trial dates shall proceed as near to the trial date as is practical under the circumstances.]

Expert Discovery

14) For the two trial cases, the parties shall follow the following expert discovery schedule:

- a. Plaintiffs Generic Expert Disclosures shall due December 18, 2015 and Case Specific Experts shall be due January 18, 2016. Such disclosures shall contain

proposed deposition dates between February 22 and March 11, 2016.

c. Defendants' Generic Expert Disclosures shall be due February 19, 2016, and Case Specific Experts shall be due March 16, 2016. Such disclosures shall contain proposed deposition dates between March 16 and April 15, 2016.

d. Expert Depositions completed by: April 15, 2016

Dispositive/Kemp Motions

15) For the two trial cases, the parties shall follow the following Dispositive Motions/Kemp schedule:

a. All Dispositive Motions/Kemp Motions filed by April 29, 2016

b. All Responsive briefs filed by May 20, 2016

c. All Reply briefs by June 3, 2016

d. Hearings begin June 13, 2016

Case Management

16) The next Case Management Conference will be held on July 16, 2015, 10:00 a.m. Future management conferences will be scheduled at that time.

17) The Court is informed that defense counsel wishes those matters listed on the attached Exhibit B and filed in the Bergen County Superior Court be transferred to this Court. This court takes no action as to said matters. Counsel is free to make the appropriate application.

18) Discovery motions may not be filed without leave of Court and after Counsel have met and conferred to discuss discovery issues.

19) In the event counsel incurs any difficulty in scheduling or completing any of the required discovery proceedings, either attorney may contact the Court and a telephonic

management conference shall be promptly scheduled.

20) In the event any party wishes to explore settlement, all counsel grant the undersigned permission to engage in ex parte conversations with counsel to determine whether or not an amicable resolution can be achieved.

21) This Order has been sent to all parties. Any motions as to discovery or the scheduling of any future proceedings are to be accompanied by a copy of this Order and any other Management Order entered in these proceedings.

22) The discovery end dates in all cases listed above and on the attached Exhibit be and hereby are suspended.

 5-14-15

Nelson C. Johnson, J.S.C.

EXHIBIT A

| No. | Plaintiff(s) | Docket No. |
|-----|---|---------------|
| 1. | Adkins, Derick, Individually and as Executor of the Estate of Ruth Ann Adkins, Deceased | ATL-L-0083-15 |
| 2. | Apperson, Bertha | ATL-L-0239-15 |
| 3. | Bacon-Barnette, Karen | ATL-L-0368-15 |
| 4. | Balderrama, Diana and Gilbert | ATL-L-6540-14 |
| 5. | Bonanno, Linda | ATL-L-0250-15 |
| 6. | Burgos, Angel, Individually and as Administrator of the Estate of Constance Burgos | ATL-L-6384-14 |
| 7. | Burke, Aisha L., Individually and as Administrator of the Estate of Sophronia Victoria Burke, Deceased | ATL-L-0241-15 |
| 8. | Calloway, Wanda, Individually, and as Sister and Next Friend of Joyce Calloway, Deceased | ATL-L-0473-15 |
| 9. | Canuelle, Linda | ATL-L-6756-14 |
| 10. | Carl, Brandi and Joel | ATL-L-6546-14 |
| 11. | Cherry, Frances and Ronald | ATL-L-6326-14 |
| 12. | Clugston, Nicole | ATL-L-0813-15 |
| 13. | Conley, Annette | ATL-L-6755-14 |
| 14. | Cowles, Veronica | ATL-L-6799-14 |
| 15. | Craig, Marrayly and Daniel | ATL-L-6504-14 |
| 16. | Daniel, Carla, Individually and as Daughter and Next Friend of Bobbie J. Daniel | ATL-L-6621-14 |
| 17. | Distefano, Donna | ATL-L-0598-15 |
| 18. | Fabian, Penny and Michael | ATL-L-0711-15 |
| 19. | Farrell, Helen | ATL-L-6795-14 |
| 20. | Felder, Susan | ATL-L-6807-14 |
| 21. | Fordham, Teresa, Individually and as Provisional Administratrix of the Succession of Betty Dennis, Deceased | ATL-L-6753-14 |
| 22. | Fountain, Nadia | ATL-L-0028-15 |
| 23. | Gillespie, Saul, Individually, and as Husband, and Next Friend of Alicia Simmons-Gillespie, Deceased | ATL-L-0472-15 |
| 24. | Glanton, Luvell, Individually and as Administrator of the Estate of Verbena Glanton, Deceased | ATL-L-0085-15 |

| No. | Plaintiff(s) | Docket No. |
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| 25. | Goforth, Ronice and David | ATL-L-6327-14 |
| 26. | Gray, Yvette M., Individually and Administrator of the Estate of Christine M. Chasing Bear, Deceased | ATL-L-0378-15 |
| 27. | Hanson, Rebecca | ATL-L-6752-14 |
| 28. | Harris, Robert, Individually and as Husband and Next Friend of Diana Harris | ATL-L-0242-15 |
| 29. | Holub, Tamara | ATL-L-6385-14 |
| 30. | Howze, Angela, Individually and as Daughter and as Successor in Interest of Carrie McCall, Deceased | ATL-L-0173-15 |
| 31. | Jackson, James, Individually and as Administrator of the Estate of Betty Lou Jackson, Deceased | ATL-L-6754-14 |
| 32. | Johnson, Lucas, Individually and Personal Representative of the Estate of Kim Johnson, Deceased, and the heirs and Beneficiaries of the Estate | ATL-L-0036-15 |
| 33. | Jones, Celestine, Individually and as Administrator of the Estate of Shirley McCall | ATL-L-6450-14 |
| 34. | Kilburne, Nathaniel, individually and as Administrator of the Estate of Debra Kilburne | ATL-L-6751-14 |
| 35. | Kincade (McCullin), Shelley, Individually and as Independent Executrix of the Succession of Lora Imogene Kincade, Deceased | ATL-L-6808-14 |
| 36. | Kincaid, Tonja & Anthony | ATL-L-6195-14 |
| 37. | Krauchuk, Paula | ATL-L-6805-14 |
| 38. | Kyker, Maurice, Individually and as Husband and Next Friend of Judith Kyker, Deceased | ATL-L-6806-14 |
| 39. | Laprairie, Teresa | ATL-L-6328-14 |
| 40. | Lewis, Frankie A. | ATL-L-0377-15 |
| 41. | Lockett, Linda, Individually and as Independent Executrix of the Succession Kenner Cann Lockett, Deceased | ATL-L-0360-15 |
| 42. | Lucas, Dianna | ATL-L-6750-14 |
| 43. | Machen, Susan K., Individually and as Daughter, and Next Friend of Alta Jane Shannon, Deceased | ATL-L-0134-15 |
| 44. | Mathis, Gussie | ATL-L-6793-14 |
| 45. | Maxwell, Cheryl and John | ATL-L-0338-15 |
| 46. | Minor, Latoya, Individually and Special Administrator of the Estate of Annie Mae Carey, Deceased | ATL-L-0053-15 |

| No. | Plaintiff(s) | Docket No. |
|-----|---|---------------|
| 47. | Morrow-King, Amelia, Individually and as Administrator of the Estate of Nancy Morrow, Deceased | ATL-L-0293-15 |
| 48. | Ourso, Robert, Jr., Individually and as Independent Executor of the Succession of Tina Marie Scheffer, Deceased | ATL-L-6749-14 |
| 49. | Parker, Venessa | ATL-L-0288-15 |
| 50. | Pettway, Tasha | ATL-L-0255-15 |
| 51. | Pollard, Deborah | ATL-L-0243-15 |
| 52. | Ralph, Patricia | ATL-L-6804-14 |
| 53. | Ramseur, Sharon and John | ATL-L-6337-14 |
| 54. | Reddell, Renee Ann | ATL-L-6798-14 |
| 55. | Riley, Shirley | ATL-L-6797-14 |
| 56. | Robbins, Kay | ATL-L-6794-14 |
| 57. | Ross, Frances, Individually and as Sister and Next Friend of Lessie McCarthy, Deceased | ATL-L-0474-15 |
| 58. | Ryan, Stacey, Individually and as Administrator and the Succession of Sandra Ryan, Deceased | ATL-L-6800-14 |
| 59. | Salmans, Julie | ATL-L-6386-14 |
| 60. | Shafer, Linda | ATL-L-0852-15 |
| 61. | Sims, Ricky L., Individually and as Husband and Next Friend of, Nancy G. Sims, Deceased | ATL-L-0475-15 |
| 62. | Smith, Susan Dell | ATL-L-0244-15 |
| 63. | Smith, Tretha, Individually and as Administrator of the Estate of Leatha Smith | ATL-L-6468-14 |
| 64. | Sulkowski, Deborah | ATL-L-6239-14 |
| 65. | Svatek, Katheryn and Patrick | ATL-L-6556-14 |
| 66. | Townes, Kathleen | ATL-L-6796-14 |
| 67. | Williams, Darlene, Individually and as Mother and Next Friend of Tammie Arlene Smith Garza, Deceased | ATL-L-6724-14 |
| 68. | Williams, Stacey | ATL-L-0172-15 |
| 69. | Wooldridge, Joel, Individually and as a Representative of the Estate of Terri L. Wooldridge | ATL-L-6661-14 |
| 70. | Young, Sharon | ATL-L-0306-15 |

EXHIBIT B

| No. | Plaintiff(s) | Docket No. | Judge |
|-----|--|---------------|---------------|
| 1. | Alexander, Paulette | BER-L-2979-15 | Judge Harz |
| 2. | Arnold, Barbara, Individually and as Personal Representative of the Estate of Laura Mae Robertson, Deceased | BER-L-2524-15 | Judge Thurber |
| 3. | Humphrey, Claude Individually and as Husband and Next Friend and Claudia Humphrey, Individually and as Daughter and Next Friend of Sandra Humphrey, Deceased | BER-L-2975-15 | Judge Harz |
| 4. | Jeromos, Marie | BER-L-2059-15 | |
| 5. | Lewis, Carla | BER-L-2980-15 | Judge Marczyk |
| 6. | Lord, Deborah and Kris | BER-L-2982-15 | |
| 7. | Lovelace, John, Individually and as Administrator of the Estate of Linda Lovelace, Deceased | BER-L-2724-15 | Judge Thurber |
| 8. | Oliver, Rosemarie and John J. | BER-L-1633-15 | Judge Langan |
| 9. | Perdue, Hermine, Individually and as Administrator of the Estate of Marquita Winston, Deceased | BER-L-2725-15 | Judge Thurber |
| 10. | Thornhill, Martia Individually and as Daughter and Next Friend of Juanita Brown Warren, Deceased | BER-L-2078-15 | Judge Harz |