

FILED

DEC 08 2021

JOHN C. PORTO, J.S.C.

PREPARED BY THE COURT

	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION, ATLANTIC COUNTY
IN RE STRATTICE HERNIA MESH LITIGATION	:	CASE NO: 636
	:	MASTER CASE NO. ATL-L-3857-21
	:	Civil Action
	:	<i>CASE MANAGEMENT ORDER NO. 1</i>

IT APPEARING that all Strattice® Hernia Mesh litigation cases are centralized for management by the Superior Court of New Jersey in the County of Atlantic by Order of the Supreme Court of New Jersey, dated October 1, 2021;

AND IT FURTHER appearing that an equitable, economic, and expedient resolution of these cases require an orderly management plan for this litigation; and therefore

IT IS on this 8TH day of **DECEMBER 2021 ORDERED** as follows:

I. GENERAL APPLICABILITY:

1. This Order applies to all cases previously filed and all those hereinafter filed or transferred to the County of Atlantic pursuant to the Supreme Court of New Jersey Order of October 1, 2021. The cases are centralized to avoid duplication and to prevent conflicts. Each case will retain its own docket number.
2. All orders by transferor Courts imposing dates for pleading or discovery are hereby vacated.
3. Orders and notices common to the entire litigation are available on the Judiciary web page for Multicounty Litigation, which may be accessed at www.njcourtsonline.com.

4. **NOTE:** Attached hereto as “Exhibit A” at page 9 of this Order is a list of cases, identified by party and Docket Number, which based upon a review of those lawsuits currently pending in the Superior Court of New Jersey, are presently the only matters which involve claims asserting personal injury as result of the use of Strattice® Hernia Mesh. In the event additional Strattice® Hernia Mesh claims are filed, or should this Court have failed to identify all of the Strattice® Hernia Mesh currently pending in the Superior Court of New Jersey, then said claims shall be transferred to the County of Atlantic for inclusion in this Multi-County Litigation (hereinafter “MCL”).

II. CAPTIONS, PLEADINGS & SERVICE:

1. All parties are to submit their pleadings via uploading the same onto “e-Courts,” with their captions noting that said Complaints are filed with the Superior Court, Law Division, in the County of Atlantic. All of the Court’s Orders and notices will likewise be posted on e-Courts, unless otherwise noted by the Judge presiding over this MCL. All proceedings will be conducted in the Atlantic County Civil Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. The Case Information Statement accompanying the pleading shall identify this matter as Case Type 636.
2. Each Complaint is limited to one Plaintiff or a related household of Plaintiffs. No two Plaintiffs may use the same caption on individual Complaints. If a Complaint has been filed with multiple unrelated Plaintiffs, new individual Complaints must be filed within thirty (30) days, and upon request, the Court will sign an Order preserving the original date of filing.
3. All pleadings, all motions papers, all correspondence shall add the title of “In re: STRATTICE HERNIA MESH Litigation,” Case No. 636.

4. The Superior Court of New Jersey, County of Atlantic shall maintain a master docket, Docket Number ATL-L-3857-21, and case file caption "IN RE STRATTICE HERNIA MESH LITIGATION". All Case Management Orders, Scheduling Orders and other similar documents filed therein are deemed filed and docketed in each individual case.

III. PRELIMINARY MATTERS:

1. Each party shall preserve all documents and other records containing information potentially relevant to this litigation. Each party shall also preserve any physical evidence or potential evidence and shall not conduct any tests on physical evidence without notifying opposing counsel. Absent the consent of counsel via formal stipulation consenting to the test, no test shall be conducted without first obtaining the Court's permission.
2. Computerized data shall not be erased under existing programs until: opposing counsel have been, or will be, notified of all existing programs subject to additional meet and confer conferences.

IV. ATTORNEYS:

1. Counsel are expected to act in a courteous, professional manner at all times during the conduct of this litigation. Each attorney should make a good faith effort to resolve disputes out of Court and in an expeditious manner. Counsel shall attempt to resolve motions before any matter is submitted to the Court and must certify to that attempt at the time of filing any motion.
2. Counsel for Defendant(s) shall provide the court an official service list updated every sixty (60) days. The list must contain the case names, docket numbers and the date. For each party, counsel must be identified by name, firm name, address,

telephone number, fax number, and e-mail address. From these lists, the Court will maintain on the MCL website an official counsel list for purposes of facilitating service.

3. Counsel lists **are not to be appended to** any Court submission. The counsel list shall be incorporated by reference on all certificates of service, all pleadings, all motions, all correspondence. The reference should be to all counsel on the list and identify by date the last official service list for the cases.
4. Multiple Counsel: Where a party is represented by more than one counsel of record, that party shall designate the name and address of the single counsel to be recipient of all notices, communications and pleadings. The designated counsel will be responsible for notifying co-counsel of all such matters.
5. ***Pro Hac Vice Admissions:***
 - a. An attorney seeking to appear *pro hac vice* shall apply to formal notice of motion with supporting affidavit and proposed form of order, in compliance with R. 1:21-2 of the Rules Governing Courts of New Jersey.
 - b. *Pro hac vice* counsel may try the case, but is not designated trial counsel. No proceeding shall be adjourned because *pro hac vice* counsel is not available.
 - c. All pleadings, motions and correspondence of the Court must be submitted by New Jersey Counsel.
 - d. All out-of-state attorneys representing Plaintiffs must certify that all retainer agreements with clients in the subject litigation do not, and in the future will not, violate any of the contingency fee provisions found in the Rules Governing the Courts of New Jersey for the current year.

- e. All out-of-state attorneys seeking admission to represent a corporate Defendant must certify as to his or her prior involvement with that corporation or its related entities, including the capacity in which he or she was involved. Further, the attorney must include in the affidavit a statement of his or her good faith belief that he or she was not involved with policy of management decisions, which would require him or her to be called as a witness in any matter for the Court.
- f. Counsel admitted *pro hac vice* are required to make annual payment to the Ethics Financial Committee and to the New Jersey Lawyers Fund for the Client protection.

V. CONFERENCE PROCEDURES:

- 1. The Court will conduct, and the parties may request, periodic status and scheduling conferenced to assess the progress regarding the matters scheduled herein. Reasonable notice of all such conferences will be provided to all counsel of record.
- 2. **Transcripts:**
 - a. The Courtsmart recording will be the Official Court record of any and all proceedings related to the “IN RE STRATTICE HERNIA MESH LITIGATION”. Any party may seek a copy of the recording through the normal Court channels.
 - b. Counsel may obtain the services of an official court reporter to supplement the official Courtsmart record by filing a certification and order indicating the reporting services company, that Courtsmart will remain the official record, and that a copy of any supplemental recording transcript will be sent directly to the Court.

3. **Appearances:** The date of a case management conference established by Court order is a firm date, not readily adjourned except upon exceptional circumstances. Counsel appearing at each case management conference must sign an attendance sheet, be familiar with the issues to be discussed, and shall not schedule other matters for the date of the conference. Any attorney appearing telephonically or via skype, after the Judge presiding over this matter gives consent to do so, must notify the Law Clerk of the Judge presiding over this matter one (1) day prior to the date of the conference with Counsel's name, firm, and client so counsel can be indicated on the attendance sheets.
4. **Compliance:** All counsel are required to comply with the provisions of each case management order whether he or she was in attendance at the conference giving rise to the Order.

VI. MOTIONS:

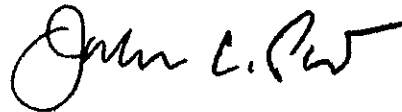
1. **Filing Requirements:** All motions are to be filed on e-courts, directed to the attention of the Multicounty Litigation Team, Superior Court of New Jersey, Atlantic County Courthouse, 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. All motion papers must include a return date scheduled for a regular motion Friday.
2. Courtesy copies of the motion pleadings for the Judge are required. Counsel should send a Courtesy copy of the motion to the Chambers of the Judge presiding over the matter. If the filed motion applies to multiple cases under the "IN RE STRATTICE HERNIA MESH LITIGATION", then only one (1) copy of the motion and supporting documents need be supplied with a cover letter indicating that an identical motion is filed under the provided list of docket numbers and names.
3. Any motion that is applicable to all cases shall be filed on one omnibus motion using the master docket number assigned to the caption "IN RE STRATTICE

HERNIA MESH LITIGATION”. In the event any motion, including *pro hac vice* motions, involves more than one individual case, but not all cases, an omnibus motion and omnibus Order, shall be filed with a Schedule A attached listing the individual cases and docket numbers involved in the omnibus motion.

4. Any motion that is applicable to more than one party in a case shall be jointly filed by Counsel.
5. Where the motion applies to more than one case, motion fees will be charged for each case, but if the motion is related to all cases under the master docket, the Court will charge for one motion.
6. Captions on motions are the same as on pleadings and require the docket number and the designation “IN RE STRATTICE HERNIA MESH LITIGATION”.
7. An on-the-record in person or telephonic conference with the Court is required prior to the filing of any motion related to discovery issues.
8. No motions for Summary Judgment shall be filed without approval of the Court.
9. All motions *in limine*, or motions for a *Kemp/Rubanick/Accutane, Daubert*-type, or *Lopez* hearing shall be scheduled by the Court during a pre-trial or case management conference.
10. Oral Argument on any opposed motions shall be scheduled by the Court and may not coincide with the specified return date in the original notice of motion.
11. On Tuesday, **December 21, 2021 at 10:00 am** the Court shall conduct and on-the-record in-person or video conference, via Zoom, case management conference with all counsel in Courtroom 3G in the Atlantic County Civil Courthouse located at

1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. The Honorable John C. Porto, J.S.C. shall preside over the “IN RE STRATTICE HERNIA MESH LITIGATION”. The Court shall circulate a Zoom link for all parties who wish to appear via video conference. At that time the Court will review the status of discovery and discuss the need to schedule any additional case management conferences.

IT IS FURTHER ORDERED that Defendant(s) shall serve a copy of this Order on all Counsel of Record within (10) days of the date herein.



HON. JOHN C. PORTO, J.S.C.

Plaintiff	Docket No.	Case Type	Filing Firm
Alexander, Sheila	MRS-L-000175-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Bennett, Janice	MRS-L-000671-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Bonneville, Kenneth	MRS-L-001365-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Bradley, Danna	MRS-L-001321-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Bunce, John	MRS-L-000176-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Cash, Debbie A.	MRS-L-000862-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Cassard, Keith	MRS-L-1285-21	STRATTICE™ biologic hernia mesh	Krause & Kinsman, LLC; Brenes Law Group, P.C.
Cox, Bryan	MRS-L-001255-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
DeMotte, Boyce	MRS-L-001366-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Dickens, Deborah	MRS-L-001398-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Dunham, Jr., Randy	MRS-L-001155-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Ford, Lori	MRS-L-001097-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Gaines, Leo Michael	MRS-L-001399-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix

			Patterson, LLP; Cohen & Malad, LLP
Gleason, Elizabeth	MRS-L-001153-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Gorrell, Christopher Dean	MRS-L-000020-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Harrell, David	MRS-L-0010835-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Herndon, Deborah (Deceased) P.R. Chastity Moore	MRS-L-001083-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Hickman, Denton	MRS-L-001300-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Hill, Lisa	MRS-L-001099-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Horton, Sabrina	MRS-L-000620-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Hyde, Patti	MRS-L-001098-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Jackson, Cynthia	MRS-L-000670-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Jones, Tracy	MRS-L-001454-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Knapp, Danny	MRS-L-001227-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Koskinen, Donna Jo as Personal Representative of the Estate of Dale Koskinen	MRS-L-000621-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP

Kuruju, Dino	MRS-L-000061-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Lane, Lynda as Personal Representative of the Estate of Melissa Lane	MRS-L-000863-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Leslie, Steven	MRS-L-001455-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Livingston, David	MRS-L-001156-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Lowry, Linda	MRS-L-002660-20	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Madoukai, Garrick	MRS-L-000060-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Maiorano, Ronald	MRS-L-001084-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Markwarth, Michael	MRS-L-001299-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Miles, Christina	MRS-L-001152-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Miller, Cindy Ann	MRS-L-001151-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Miller, Delores	MRS-L-001031-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Poor, Theodore	MRS-L-001032-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Raszeja, MaryJo	MRS-L-000276-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix

			Patterson, LLP; Cohen & Malad, LLP
Robinson, Clyde	MRS-L-000618-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Rodriguez, Ruben	MRS-L-001400-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Scharbrough, Lianne	MRS-L-001154-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Scheets, Lynne Dale	MRS-L-000672-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Sell, Lester	MRS-L-001453-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Silva-Juarez, Donna	MRS-L-000496-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Soca, Raul	MRS-L-000276-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Starnes, Ana	MRS-L-001033-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Stewart, Tracy	MRS-L-001401-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Stiles, Danny	MRS-L-000619-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Strock, Michael	MRS-L-000450-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Theriot, Melissa	MRS-L-000451-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP

Walters, Robert	MRS-L-000497-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Williams, Charles	MRS-L-000620-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP
Williams, Lori	MRS-L-001226-21	STRATTICE™ biologic hernia mesh	The Braslow Firm, LLC; Ketterer, Browne & Associates, LLC; Nix Patterson, LLP; Cohen & Malad, LLP