
IN RE: PELVIC MESH/GYNECARE
LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291
MASTER DOCKET NO.: BER-L-11575-14

CIVIL ACTION

CASE
MANAGEMENT ORDER #45

All prior orders remain in full force and
effect except as modified by this Order.

FILED

JUL 19 2018

RACHELLE L. HARZ
J.S.C.

THIS MATTER having been reassigned to the Bergen County Vicinage, from Atlantic County, pursuant to the Supreme Court's Order of October 31, 2014; the Court having conducted a Case Management Conference; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 19th day of July, 2018, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order #44, entered on June 25, 2018
- B. Lynne Schubert v. Ethicon, Inc., et al., BER-L-0398-15 – Consent Order Dismissing Plaintiff's Complaint With Prejudice, entered on June 25, 2018
- C. Elizabeth and Tadeusz Hrymoc v. Ethicon, Inc., et al., BER-L-13696-14 – Order Granting Stay of Execution of Judgment Pending Appeal and Approving Supersedeas Bond, entered on June 25, 2018
- D. Joan M. Massimei and Ralph Massimei v. Ethicon, Inc., et al., BER-L-1582-16 – Order granting that Mitchell M. Breit of Simmons Hanly Conroy, LLC be relieved as counsel for Plaintiffs, entered on June 26, 2018
- E. Catherine Burns v. Ethicon, Inc., et al., BER-L-11575-14 – Order that Plaintiff shall execute Proprietary Authorizations, entered on June 29, 2018.
- F. Mary Dean v. Ethicon, Inc., et al., BER-L-17407-14 – Order that Administrator of the Estate shall be appointed or to Dismiss with Prejudice, entered on July 10, 2018.

II. COMPLIANCE WITH PRIOR ORDERS

- A. Case Management Order #44 entered on June 25, 2018

III. CASE MANAGEMENT

- A. Scheduling of next trial

1. Case Selection

- a. The Court has selected the following Texas TVT-O cases for a December 2018 trial date:
1. Reyes, Yvette Castruita Ramirez (BER-L-012431-14), Bernstein Liebhard; Law Offices of Jan Meyer & Associates
 2. Gomez, Blanca Estella Hipolito (BER-L-009761-15), Bernstein Liebhard; Law Offices of Jan Meyer & Associates
 3. Olga Regina (BER-L-010726-14), Hecht Kleeger; Oshman & Mirisola
 4. Davis, Christina (BER-L-012207-14), Kline & Specter
- b. The Court has selected as backups for the TVT-O trial:
1. Flores, Julia Ivette, (BER-L-010655-14), Hecht Kleeger; Oshman & Mirisola
 3. McFall, Kathy Ann Price, (BER-L-011513-14), Oshman & Mirisola
- c. The Court has selected the following Tennessee Prolift cases for a February 2019 trial date:
1. Hansen, Sandra L. Darrah Pierce, (BER-L-010623-14), Mazie Slater
 2. McKnight, Stacie J. Miller, (BER-L-010227-14), Bernstein Liebhard; Law Offices of Jan Meyer & Associates
 3. Tays, Carolyn Atkinson, (BER-L-011577-14), Bernstein Liebhard
 4. Susong, Nancy Justice (BER-L-000793-15), Bernstein Liebhard; Law Offices of Jan Meyer & Associates
- d. The Court has selected as back up for the Prolift trial:

1. Collins, Mary Ann Williamson (BER-L-011675-14),
Bernstein Liebhard; Law Offices of Jan Meyer & Associates

2. Burns case:
 - a. A revised pretrial scheduling order will be entered within fourteen (14) days.

 - b. Burns status
 - (i) Dr. Zhou deposition previously set for 5/17 to be rescheduled per Plaintiff's request
 - (ii) Supplemental deposition of Ms. Burns will be conducted prior to expert depositions and is limited in scope to her results from the October 2017 surgery. The deposition is limited to one-hour and this court shall be contacted via telephone in the event there are any issues during the deposition between counsel.

IV. GENERAL

1. The next Case Management Conference is scheduled for August 20, 2018 at 12:00 p.m. in Room 359. Liaison Counsel shall report at 11:00 a.m. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**

2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.

3. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.

4. Subject to agreement by and between counsel and with permission from the Court, counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to e-mail liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition, you must confirm your appearance, immediately following the proceeding. Absent the above, counsel's appearance will not be noted.

5. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.

6. Counsel is permitted to serve one motion with a schedule of attached cases for *pro hac* admission. However, a separate order per case/docket number and filing fees is required.

7. The Court directs all counsel to R.4-8 and expects all counsel to abide by the parameters set forth therein.
8. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Jamie Colaneri at Jamie.Colaneri@njcourts.gov and Sean Hanratty at Sean.Hanratty@njcourts.gov.
10. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.
11. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.
12. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
13. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.



RACHELLE L. HARZ, J.S.C.