FILED

FEB 12 2020

RACHELLE L. HARZ
J.S.C.

	SUPERIOR COURT OF NEW JERSEY
IN RE: PELVIC MESH/GYNECARE	LAW DIVISION: BERGEN COUNTY
LITIGATION	CASE NO. 291 MASTER DOCKET NO.: BER-l-11575-14
	CIVIL ACTION

ORDER TO SHOW CAUSE REGARDING NON-COMPLIANCE WITH TVT 2020 DISCOVERY POOL PRE-TRIAL ORDERS

THIS MATTER having been brought before the Court jointly by Defendants Ethicon, Inc. and Johnson & Johnson ("Defendants"), through their counsel Riker Danzig Scherer Hyland & Perretti, LLP, and

WHEREAS on January 16, 2020, this Court entered an Order documenting the random selection of 30 TVT cases for discovery work up and directed that each of the 30 plaintiffs provide full and complete updated PFS, updated authorizations, and copies of all medical records in Plaintiffs' possession by the close of business on January 21, 2020. (Paragraph II, 1/16/2020 Order); and

WHEREAS on January 23, 2020, the Court held a Case Management Conference and, as of that date, many plaintiffs in the TVT pool of 30 had not complied with the Court's order to provide updated PFS, authorizations and records and this Court entered a second scheduling order requiring:

III. Updated PFS and Authorizations – Plaintiffs shall provide fully complete updated PFS and authorizations by **February 7, 2020.** If not complied with, counsel are required to provide to the Court a written explanation by February 7, 2020, on notice to all counsel of record as to reasons for non-compliance as claims may be subject to dismissal

IV. Plaintiff Depositions - By **February 7, 2020,** plaintiffs shall offer dates on which plaintiffs will be deposed before **March 31, 2020.**

and,

WHEREAS as of this date, the plaintiffs identified in this Order are alleged to be in violation of the Court's Orders in that updated authorizations were not served, updated usable authorizations were not served and/or deposition dates were not offered, and no written explanation was filed with the Court, and for good cause shown;

IT IS on this 12th day of February, 2020, ORDERED that counsel for the plaintiffs identified below **shall appear** before this Court on **Tuesday, February 18, 2020, at 2:30 p.m.** to demonstrate to the satisfaction of the Court that the prior orders were, in fact, complied with, or show cause as to why Plaintiffs' complaints should not be dismissed *with prejudice* for failure to comply with this Court's January 16, 2020, and January 23, 2020, scheduling orders.

3	Aboughazale, Jean	Kline & Specter	BER-L-004642-18
4	Brown, Rhonda & Mark	Oshman & Mirisola	BER-L-011572-14
5	Fry, Phoebe & William	Oshman & Mirisola	BER-L-011517-14
7	Jones, Pamela	Kline & Specter	BER-L-

			004650-18
8	Bachmann-Hoff, Irene O. & Frederick D. Hoff	Kline & Specter	BER-L-000192-16
10	Barbieri, Eileen	Kline & Specter	BER-L-015865-14
11	Steadman, Teresa & Jimmy	Oshman & Mirisola	BER-L-011516-14
12	Nemcek, Madeline & Richard	Oshman & Mirisola	BER-L-012359-14
14	Beasley, Cathy & Timothy Blake	Kline & Specter	BER-L-004644-18
16	Goerdt, Robyn & Christopher	Kline & Specter	BER-L-015888-14
17	Mohr, June	Girardi Keese; Seeger Weiss	BER-L-012791-14
18	Cragan, Janet S. & Lester H., III	Kline & Specter	BER- L-005206-18
19	Spears, Phyllis Carol & Joseph	Kline & Specter	BER-L-004542-16
20	Sturgeon, Rochelle	Girardi Keese; Seeger Weiss	BER-L-012973-14
22	Reynolds, Marilyn & Walter, Jr.	Oshman & Mirisola	BER-L-014620-14
24	Viers, Cindy	Kline & Specter	BER-L-016313-14
25	Dierdorff, Tracy Yvette & Jeffrey L.	Hecht Kleeger; Oshman & Mirisola	BER-L-012441-14
26	Bozyone, Linda & Michael	Weitz & Luxenberg	BER-L-011544-14
29	Barker, Vivian & Kevin	Kline & Specter	BER-L-005204-18

I. Updated PFS. Compliance with this directive requires service (compliant with the March 15, 2019, updated and superseding Amended Notice and Order Regarding Service of Plaintiff's Fact Sheets and Applications for Extension of Service Dates Order that is posted on the Court's MCL website) a fully complete updated PFS with all new updated information and copies of additional medical records obtained since service of any

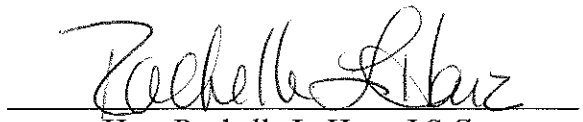
prior PFS, *after communication with the client*, and updated current signed verification from the plaintiff. Repeat service of a prior PFS without a current certification/verification from the client that there have been no changes since the prior submission is not compliance with this Court's orders.

II. Updated Authorizations. Compliance with this directive requires execution of all current records authorizations with a current date, or, if prior authorizations are in the current proper format but were not dated, written confirmation to the Defendants that a current date may be inserted on the Authorizations so that they are compliant to obtain records.

III. Plaintiff Depositions. Compliance with the Court's Order required offering of dates on which plaintiffs will be deposed before **March 31, 2020.** Absent exigent circumstances, the plaintiffs are to be deposed in New Jersey.

IV. Excuse from mandatory appearance on February 18, 2020. If any plaintiff on the above list becomes fully compliant prior to February 18, 2020, as confirmed by counsel for the Defense in writing to this Court (email will suffice), the Court will excuse such plaintiffs' counsel from appearance.

IT IS FURTHER ORDERED that a copy of this Order shall be served immediately by Plaintiffs' liaison counsel upon the above-listed counsel via email. Defendants shall also serve this order via LNFS.



Hon. Rachelle L. Harz, J.S.C.