IN RE: YAZ®/YASMIN®/OCELLA® PRODUCT LIABILITY LITIGATION	X :	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY
	:	CASE NO. 287
This Document Applies to All Cases	:	CIVIL ACTION
	X	

FILED
AUG 10 2011
BRIAN R. MARTINOTTI, J.S.C.

CASE MANAGEMENT ORDER NO. 27
(Expert Dislosures)

THIS MATTER, having been opened to the Court by counsel for the Parties and the parties having consented, **IT IS**, on this 10 day of August, 2011, hereby **ORDERED** that the following applies to all expert reports and disclosures in this consolidated proceeding:

1) Unless otherwise stipulated or ordered by the Court, expert disclosures[1] must be accompanied by a written report - prepared and signed by the witness - if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as a party's employee regularly involve giving expert testimony. All such reports must contain:

(a) a complete statement of all opinions the witness will express and the basis and reasons for them;

(b) the facts or data considered by the witness in forming them;

(c) a listing of all materials relied upon as support for the expert's opinions (copies of the individual documents need not be attached to the report) and any summary exhibits prepared by or relied upon, by the expert in preparing the expert's report;

[1] Whether reports will be required in the California JCCP (which plaintiffs believe is not required by the California Code of Civil Procedure and defendants believe may be ordered by the Court) will be determined by that Court.

(d) the witness's qualifications, including a list of all publications authored in the previous 10 years;

(e) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and,

(f) a statement of the compensation to be paid for the study and testimony in the case.

2) The parties acknowledge and recognize that it is expected that many of the testifying experts in these cases and the federal MDL coordinating the Yasmin/Yaz/Ocella/Gianvi litigation will also be testifying experts in other state court litigation. The parties expect that Orders substantially similar to this one will be entered in Yasmin/Yaz/Ocella/Gianvi litigation pending in other jurisdictions. Counsel in other Yasmin/Yaz/Ocella/Gianvi litigation who are also counsel in this litigation will cooperate with each other in seeking entry of such stipulation or order. If, however, another state court in which Yasmin/Yaz/Ocella/Gianvi litigation is pending does not enter a stipulation or order substantially similar to this order, and as a result any party is required to produce information which is protected from disclosure under this order or under Fed. R. Civ. P. 26, the parties to this litigation and their counsel shall not seek or use such information regarding any of the testifying experts designated by a party to this litigation.

3) The following materials are not subject to discovery:

(a) drafts of any expert report or disclosure, regardless of the form in which the draft is recorded;

(b) communications between the party's attorney and any witness required to provide a report, regardless of the form of the communications, except to the extent that the communications:

(i) relate to compensation for the expert's study or testimony;

(ii) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or

(iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

4) This Order is not intended to abrogate any work-product disclosure protection afforded drafts of any expert report or disclosure, regardless of the form in which the draft is recorded that otherwise might be contained in Fed R.Civ. P. 26 or N.J. Ct. R. 4:10-2 and 4:17-4.

5) All other rules and Orders relating to experts remain in full force and effect.

BRIAN R. MARTINOTTI, J.S.C.