

JAVERBAUM  WURGAFT
HICKS KAHN WIKSTROM & SININS, P.C.
Certified Trial Attorneys

Michael A. Galpern, Esquire
mgalpern@lawjw.com

LAUREL OAK CORPORATE CENTER
1000 HADDONFIELD BERLIN ROAD ~ SUITE 203
VOORHEES, NEW JERSEY 08043
PHONE: 856.596.4100
FAX: 856.702.6640
www.lawjw.com

Mary Paula Millerick, Esquire
mpmillerick@lawjw.com

Lauren Goodfellow, Esquire
lgoodfellow@lawjw.com

September 28, 2023

VIA FEDERAL EXPRESS

The Honorable Glenn A. Grant, J.A.D.
Administrative Director of the Courts
Administrative Office of the Courts
of the State of New Jersey
Richard J. Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625



Re: Request Pursuant to R. 4:38A for Multi-County Litigation Designation for Cases involving Bard Implanted Port Product

Dear Judge Grant:

Please accept this letter on behalf of three (3) Plaintiffs with cases currently pending in the Superior Court of New Jersey, involving Bard implanted ports designed, manufactured, promoted, marketed, distributed, and sold by Defendants C.R. Bard, Inc., Bard Access Systems, Inc., and Becton Dickinson and Company (collectively "Defendants"). See Complete List of Filed Cases, attached hereto as **Exhibit A**. It is estimated that 500 or more claimants will soon be filing in this State. Each of the pending cases are venued in Bergen County, where two of the three Defendants maintain principal places of business.

Plaintiffs seek to centralize cases involving implanted port products manufactured and distributed by the Defendants. Due to the ubiquity of implanted port products in the United

States and the high complication rate associated with such products, Plaintiffs anticipate that hundreds of additional cases will be filed in the near future involving the same or similar products, injuries, claims, and alleged culpable parties. Multi-County Litigation (“MCL”) designation will promote judicial efficiency, facilitate coordinated discovery, avoid inconsistent pretrial rulings, and benefit the interests of all parties. Accordingly, as further explained below, Plaintiffs respectfully request that the cases listed in Exhibit A be given MCL designation pursuant to R. 4:38A.

BACKGROUND

Plaintiffs in these cases have filed civil actions for injuries caused by Defendants’ implanted port products (collectively the “Actions”). Each of the claims allege that: (1) the Plaintiff was implanted with a port product manufactured by the Defendants consisting of an injection reservoir and a flexible, polymeric catheter; (2) the catheter component of the port products was manufactured to include a radiopaque agent called barium sulfate, which is known to reduce the material integrity of the catheter when it is not encapsulated, coated or otherwise separated from the catheter surface; (3) the loss of exposed barium sulfate particles from the catheter surface leaves microfractures, fissures, and other alterations to the polymeric structure that in turn increase the likelihood of one or more of the injuries common to these products: catheter fracture, catheter infection, and thromboembolism; (4) Defendants misrepresented the safety of the port products; (5) Defendants negligently and fraudulently designed, marketed, distributed, and sold these products, (6) Defendants knew or should have known that these port products were not safe for the patients to whom they were prescribed and in whom they were implanted because once implanted, the products were prone to catheter fracture, bacterial colonization, potentiation of thromboembolism, and otherwise malfunctioning and causing

serious injury; and (7) strict liability claims that these products were defective and unreasonably dangerous and lacked proper warnings. Additionally, all plaintiffs seek similar damages- pain, suffering, emotional distress, medical expenses and punitive damages. And expert testimony in these cases - from all parties - will have substantial overlap, and consolidation will streamline these efforts.

Shortly after the Defendants introduced these products into the market—and long before these Plaintiffs were implanted with them—Defendants received numerous adverse event reports (“AERs”) involving the types of device failures enumerated herein. These AERs were associated with severe injuries and complications, including hemorrhage, cardiac/pericardial tamponade, cardiac arrhythmia, infection, sepsis, thromboembolism, and even death. In many instances, the Defendants concealed known device failures and injuries from medical professionals and patients through submission to the FDA’s controversial Alternative Summary Reporting (“ASR”) program, which was in effect from 1997 through June of 2019. The ASR program permitted device manufacturers to request exemptions, variances, or alternatives to reporting requirements. In contrast with the FDA’s public Manufacturer and User Facility Device Experience (“MAUDE”) database, manufacturer reports of device failures submitted through the ASR program were not available to the public, including healthcare providers, until 2019. From 2004 to 2018 approximately 65% of all reported adverse events related to implanted port products (the vast majority of them associated with Defendants’ products) were reported through the non-public ASR program rather than MAUDE. The FDA halted its ASR program after its existence was exposed by a multi-part investigative report, prompting a widespread outcry from medical professionals and patient advocacy groups. The expert testimony on this issue which

would invoke the question of punitive damages as well – again both from plaintiffs and defense-will have substantial overlap, and consolidation will streamline this issue as well.

More recently, published and peer-reviewed scientific literature has revealed the ubiquity and breadth of injuries related to implanted port products. In 2020, a large study evaluating the long-term complication profile associated with port placement was published.¹ The pool of participants of the study included 93,756 patients who had an implanted. The study's findings were striking: more than half – 59.04% of patients – experienced arrhythmogenic and thromboembolic complications or infection and mechanical failure of the device within 5 years after implantation. This complication rate is all the more staggering in light of the fact that: (1) implants of port products in the United States are estimated at over 300,000 annually, and (2) Defendants are the undisputed market leaders of implanted port products in the United States, accounting for more than fifty percent (50%) of domestic implanted port sales. These concerning findings follow numerous published studies over the last thirty years indicating that these common injuries are caused by the same unreasonably dangerous design elements alleged in the Actions. The Actions seek to hold Defendants liable for injuries caused by their wrongful conduct in connection with the design, development, manufacture, testing, packaging, promoting, marketing, distribution, labeling, and sale of their implanted port products.

MCL DESIGNATION IS APPROPRIATE

As set forth in the guidelines promulgated by Your Honor in Directive #02-19, multi-county litigation is warranted when a litigation, among other considerations, involves a large

¹Syed I. Khalid, et al., *Outcomes following port-a-catheter placement in the Medicare population*, 3 *Surgery Open Science* 39 (2020).

number of parties; many claims with common, recurrent issues of law and fact; there is geographical dispersion of parties; there is a high degree of commonality of injury or damages among plaintiffs; there is a value interdependence between different claims; and there is a degree of remoteness between the court and actual decision makers in the litigation. The guidelines also include the following considerations: whether centralized management is fair and convenient to the parties and witnesses; whether there is a risk of duplicative or inconsistent rulings if the cases are not coordinated; and whether coordinated discovery would be advantageous. These Actions satisfy the foregoing factors.

A. These Actions involve a large number of parties with a high degree of commonality of injury and common questions of law and fact.

A large number of parties are anticipated as the Defendants' products account for more than 50% of the approximate 300,000 annual sales of implanted port products in the United States, and there is a complication rate of over 60% associated with such products. Centralization is appropriate here because the Actions all have substantial commonality of questions of fact and law. Here, the Actions allege that Defendants engaged in wrongful conduct in the design, manufacture, marketing, sale, and post-market surveillance of their implanted port products.

The Actions further allege that the design of the catheter components of Defendants' products are rendered unreasonably dangerous by a common design element, namely exposed barium sulfate on the catheter surface, and that said unreasonably dangerous condition caused Plaintiffs' injuries. Moreover, these Actions allege that the Defendants knew of these defects and failed to correct them by incorporating a safer feasible alternative design and failed to adequately warn healthcare providers of the nature and magnitude of the risks attendant to these defects. The common questions of fact concerning the development, testing, manufacturer, sale, marketing,

and adequacy of warnings for Defendants' implanted port products—including industry knowledge of the products' danger—clearly warrant transfer and consolidation of these Actions.

Further, these Actions share common Defendants and corporate witnesses. There is geographical dispersion of the parties as the Defendants' implanted port products were sold throughout the United States. There is a high degree of commonality of injury with most parties suffering one or more of the three injuries described above: catheter fracture, catheter infection, and thromboembolism. These same or similar factors led the United States Judicial Panel on Multidistrict Litigation to decide that all pending and future federal Bard implanted port cases should be centralized for case management purposes. *See* Transfer Order, MDL No. 3081, attached hereto as **Exhibit B**. Although the MDL Order is not dispositive on this Court, its reasoning is sensible and persuasive. The MDL panel found (correctly) that these cases all involve common questions of law and fact. *Id.* at p 1. As the MDL Panel noted:

All actions can be expected to share factual questions arising from allegations that defendants manufacture the catheter component of their port devices with a concentration of barium sulfate that is too high, which reduces the material integrity of the catheter, and can lead to injuries, including infection, fracture of the catheter, migration of the catheter, and thrombosis. All actions share common issues of fact regarding whether the design of Bard's port catheters involves a concentration of barium sulfate that reduces the material integrity of the catheters and can cause injury, whether defendants adequately tested the devices, and whether defendants adequately monitored and reported adverse events relating to product failures. Centralization offers an opportunity to substantially streamline pretrial proceedings, reduce duplicative discovery and conflicting pretrial obligations, as well as prevent inconsistent rulings on common Daubert challenges.

Exhibit B, p.1.

While Bard initially resisted Plaintiff's attempt to consolidate the federal cases into an MDL, the panel rejected that argument and instead accepted Bard's alternative

argument to centralize the litigation in the United States District Court for the District of Arizona. In doing so, the Panel relied on well-established principles of centralization:

But as we have held, “almost all injury litigation involves questions of causation that are case- and plaintiff-specific. Such differences have not been an impediment to centralization in the past.” *In re Wright Med. Tech., Inc., Conserve Hip Implant Prods. Liab. Litig.*, 844 F. Supp. 2d 1371, 1372 (J.P.M.L. 2012). Unlike in *In re Belviq (Lorcaserin HCI) Products Liability Litigation*, cited by defendants, the plaintiffs in the cases now before the Panel allege a common mechanism for their various injuries. *See* 555 F. Supp. 3d 1369 (J.P.M.L. 2021). “[I]ndividualized factual issues concerning causation,” therefore, seem far less likely to “predominate and diminish the potential to achieve significant efficiencies in an MDL.” *Id.* at 1370.

Exhibit B, p. 2.

B. Centralization will promote judicial efficiency and serve the convenience of the parties and the witnesses by avoiding duplicative discovery and inconsistent rulings.

Coordination of these Actions will avoid unnecessarily duplicative discovery across multiple Actions and eliminate potentially conflicting or inconsistent rulings. As described herein, these Actions will turn upon common questions of fact. The common questions to every Action will be answered through fact and expert discovery that will likely be extensive, expensive, and time-consuming. The likely number of cases involving these products makes centralization critical as more than 300,000 implanted port products are used on patients in the United States each year. Plaintiffs with Actions in this litigation will seek substantially the same discovery from defendants; review the same documents produced in discovery; take depositions of the same corporate officers and other witness, as well the same or substantially similar expert witnesses; and will involve the same questions of law surrounding expert qualifications. Centralization and coordination of these Actions will avoid piecemeal litigation and discovery and serve to lessen these burdens on the parties, the witnesses, and the courts by preventing

inconsistent pretrial rulings, eliminating duplicative discovery and motion practice, and promoting convenience, efficiency, and the conservation of judicial resources.

THESE ACTIONS SHOULD BE CENTRALIZED IN BERGEN COUNTY

Pursuant to Directive #02-19, issues of fairness, geographical location of the parties and attorneys, and the existing civil and mass tort caseload in the vicinage are considered when determining the vicinage to assign a particular mass tort for centralized management.

Each of the implanted port product cases identified in Exhibit A are already pending in Bergen County. Moreover, Defendants Bard Access Systems, Inc. and Becton Dickinson and Company both maintain a principal place of business in Franklin Lakes, Bergen County, New Jersey. Therefore, Bergen County would be the most convenient location for Defendants and their corporate witnesses to attend court proceedings. Accordingly, Bergen County is the most logical and fair vicinage for these Actions to be centralized.

THE UNDERSIGNED AND JENNIFER ELWELL SHOULD BE APPOINTED AS CO-LEADS OF THE NEW JERSEY MCL

On September 18, 2023, the Hon. David G Campbell, Senior United States District Judge for the District of Arizona, held the first case management conference pursuant to the directives received from the JPMDL. Judge Campbell issued an order dated September 19, 2023, appointing the undersigned to the Plaintiff's Executive Committee and as New Jersey Liaison to the District of Arizona. A copy of the September 19, 2023 Order is attached hereto as **Exhibit C**. During the conference, I answered Judge Campbell's questions about New Jersey MCL procedure and Judge Campbell stated that he expected there to be a high degree of coordination with the New Jersey Court. Judge Campbell further appointed Jennifer Elwell, Esquire as a member of the Plaintiffs Steering Committee. *Id.*

My resume is attached hereto as **Exhibit D**. As this Court will note, I have 35 years of experience in the areas of complex civil litigation and mass torts. I have served as liaison counsel in several New Jersey MCL's, and have served as lead, co-lead and Steering Committee member on numerous mass torts and class actions. Ms. Elwell is similarly experienced, as her resume attached hereto as **Exhibit E** demonstrates. Each of us has the experience, resources and time to devote to ensure that this MCL is organized, streamlined and efficient. Each of us also has the resources of much larger firms, and the support staff necessary to devote to this project. Each of us is ready and able to answer any questions which this court or in the transferee MCL court might have.

CONCLUSION

Pursuant to the foregoing, Plaintiffs respectfully request that the Bard Implanted Port litigation be designated as Multi-County Litigation in the Bergen County Superior Court pursuant to R. 4:48A, and that the undersigned and Jennifer Elwell be appointed as co-lead counsel.

Respectfully submitted,

**JAVERBAUM WURGAFT HICKS
KAHN WIKSTROM & SININS, P.C.**

s/ Michael A. Galpern

MICHAEL A. GALPERN, ESQUIRE

MAG/mlc
Enclosures

Cc: Melissa Czartoryski, Chief, Civil Court Programs (w/encl)

EXHIBIT A

Complete List of Filed Cases

	Caption	Docket No.	Date Filed
1	<i>C.R.W. a minor at law, by and through her representative Latanya DeFreese v. C.R. Bard, Inc., et al.</i>	BER-L-5014-23	09/18/2023
2	<i>Robert Trump v. C.R. Bard, Inc., et al.</i>	BER-L-5017-23	09/18/2023
3	<i>Jeanne Hyder-Dodd v. C.R. Bard, Inc., et al.</i>	BER-L-5191-23	09/27/2023

EXHIBIT B

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: BARD IMPLANTED PORT CATHETER
PRODUCTS LIABILITY LITIGATION

MDL No. 3081

TRANSFER ORDER

Before the Panel:* Plaintiffs in eight actions move under 28 U.S.C. § 1407 to centralize this litigation in the Western District of Missouri. This litigation consists of ten actions pending in six districts, as listed on Schedule A.¹ Additionally, the Panel has been notified of 38 potential tag-along actions in 25 districts.² Plaintiffs in the remaining two constituent actions and four potential tag-along actions support centralization in the Western District of Missouri. Defendants Becton, Dickinson & Co., C.R. Bard, Inc., and Bard Access Systems, Inc., oppose the motion or, alternatively, suggest centralization in the District of Utah or, alternatively, the District of Arizona.

On the basis of the papers filed and the hearing session held, we find that these actions involve common questions of fact, and that centralization in the District of Arizona will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions can be expected to share factual questions arising from allegations that defendants manufacture the catheter component of their port devices with a concentration of barium sulfate that is too high, which reduces the material integrity of the catheter, and can lead to injuries, including infection, fracture of the catheter, migration of the catheter, and thrombosis. All actions share common issues of fact regarding whether the design of Bard's port catheters involves a concentration of barium sulfate that reduces the material integrity of the catheters and can cause injury, whether defendants adequately tested the devices, and whether defendants adequately monitored and reported adverse events relating to product failures. Centralization offers an opportunity to substantially streamline pretrial proceedings, reduce duplicative discovery and conflicting pretrial obligations, as well as prevent inconsistent rulings on common *Daubert* challenges.

* Judge David C. Norton took no part in the decision of this matter.

¹ The Eastern District of Missouri *Cunningham* action originally was filed in the Western District of Missouri, but was transferred to the Eastern District under 28 U.S.C. § 1406(a), as reflected in Schedule A.

² These and any other related actions are potential tag-along actions. See Panel Rules 1.1(h), 7.1, and 7.2.

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Defendants argue that individual factual issues will predominate with respect to the wide variety of alleged injuries, products, and the timing of each plaintiff's injury. But as we have held, "almost all injury litigation involves questions of causation that are case- and plaintiff-specific. Such differences have not been an impediment to centralization in the past." *In re Wright Med. Tech., Inc., Conserve Hip Implant Prods. Liab. Litig.*, 844 F. Supp. 2d 1371, 1372 (J.P.M.L. 2012). Unlike in *In re Belviq (Lorcaserin HCl) Products Liability Litigation*, cited by defendants, the plaintiffs in the cases now before the Panel allege a common mechanism for their various injuries. *See* 555 F. Supp. 3d 1369 (J.P.M.L. 2021). "[I]ndividualized factual issues concerning causation," therefore, seem far less likely to "predominate and diminish the potential to achieve significant efficiencies in an MDL." *Id.* at 1370.

Defendants also argue that centralization is unnecessary because they successfully informally coordinated previous similar actions with plaintiffs' counsel, and that those actions resolved early without significant proceedings. While we appreciate defendants' willingness to cooperate, we are persuaded that the current number of involved cases, counsel, and districts would make informal coordination unworkable. There are now nearly 50 actions pending in 28 districts.


Defendants have represented that many of the cases filed are meritless, that certain plaintiffs' counsel have made false representations as part of an advertising campaign to solicit additional claims, and that creation of an MDL would reward such misconduct and lead to the filing of numerous additional non-meritorious cases. The Panel has rejected similar arguments on multiple occasions and does so again here. *See, e.g., In re Xarelto (Rivaroxaban) Prods. Liab. Litig.*, 65 F. Supp. 3d 1402, 1405 (J.P.M.L. 2014) ("Nor are we persuaded by defendants' related argument that an MDL will generate the filing of voluminous claims without due diligence by plaintiffs' counsel. The Panel often has observed that '[t]he response to such concerns more properly inheres in assigning all related actions to one judge committed to disposing of spurious claims quickly.'") (quoting *In re Seroquel Prods. Liab. Litig.*, 447 F. Supp. 2d 1376, 1378 (J.P.M.L. 2006)); *see also In re Cook Med., Inc., IVC Filters Mktg., Sales Practices & Prods. Liab. Litig.*, 53 F. Supp. 3d 1379, 1381 (J.P.M.L. 2014) ("[T]he transferee court handling several cases in an MDL likely is in a better position—and certainly is in no worse position than courts in multiple districts handling individual cases—to properly address meritless claims. There are many tools a transferee court may use to accomplish this task. And importantly, if defendants believe plaintiffs' counsel are filing frivolous claims, it is incumbent upon defense counsel to bring that concern to the attention of the transferee court, and to propose a process to identify and resolve such claims.").

We select the District of Arizona—where a constituent action is pending—as the transferee district for this nationwide litigation. Defendants represent that Bard Access Systems has a significant business presence in this district, and that relevant witnesses will be located there. The Honorable David G. Campbell presides over MDL No. 2641 – *In re Bard IVC Filters Products Liability Litigation*, involving a different medical device manufactured by Bard. He has ably handled that litigation, and we are confident that he will steer this litigation on a prudent course.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the District of Arizona are transferred to the District of Arizona and, with the consent of that court, assigned to the Honorable David G. Campbell for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

Matthew F. Kennelly
Dale A. Kimball

**IN RE: BARD IMPLANTED PORT CATHETER
PRODUCTS LIABILITY LITIGATION**

MDL No. 3081

SCHEDULE A

District of Arizona

PRENTICE v. BECTON, DICKINSON AND COMPANY, ET AL.,
C.A. No. 2:23-00627

District of Kansas

ELWELL v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 2:23-02197

Eastern District of Missouri

CUNNINGHAM v. BECTON, DICKINSON AND COMPANY, ET AL.,
C.A. No. 4:23-00981

Western District of Missouri

TERRY v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 4:23-00100
BELTZ v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 4:23-00264
ANDERSON v. BECTON, DICKINSON AND COMPANY, ET AL.,
C.A. No. 4:23-00316
GROVES v. BARD ACCESS SYSTEMS, INC., ET AL., C.A. No. 5:23-06058
KELLEY v. C.R. BARD, INC., ET AL., C.A. No. 6:23-03044

District of New Jersey

NELK v. BECTON, DICKINSON AND COMPANY, ET AL., C.A. No. 2:23-01173

District of New Mexico

DIVELBLISS v. BARD ACCESS SYSTEMS, INC., ET AL., C.A. No. 1:22-00601

EXHIBIT C

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

**CASE MANAGEMENT
ORDER NO. 1**

(Applies to All Actions)

I. Plaintiffs’ Leadership Counsel Appointments.

The Court, having considered all of the applications submitted and other relevant information, appoints the following plaintiffs’ counsel to leadership positions, as indicated, and to be known as “Plaintiffs’ Leadership Counsel”:

Plaintiffs’ Co-Lead Counsel	
Adam M. Evans	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Rebecca Phillips	Lanier Law Firm 10940 W. Sam Houston Pkwy. N., Ste. 100 Houston, TX 77064
Michael Sacchet	Ciresi Conlin, LLP 225 S. 6th St., Ste. 4600 Minneapolis, MN 55402

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Plaintiffs' Executive Committee ("PEC")/Liaison Counsel	
Steve German (Liaison Counsel/Local Counsel in Arizona)	Scout Law Group 11201 N. Tatum Blvd., Ste. 110 Phoenix, AZ 85028
Michael Galpern (NJ State Court Liaison)	Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins PC 1000 Haddonfield Berlin Rd., Ste. 203 Voorhees, NJ 08043
Anne Schiavone	Holman Schiavone, LLC 4600 Madison Ave., Ste. 810 Kansas City, MO 64112
Stuart Ratzan	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133
Danielle Rogers	Langdon & Emison 911 Main St. Lexington, MO 64067
Larry Taylor	The Cochran Firm – Dallas, PLLC 1825 Market Center Blvd., Ste. 500 Dallas, TX 75207
Thomas Cartmell	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112
Alex Barlow	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731
Tom Pirtle	Laminack, Pirtle & Martines 5020 Montrose Blvd. Houston, TX 77006
Shanon Carson	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
Roman Balaban	Balaban Law LLC 8055 East Tufts Ave., Ste. 325 Denver, CO 80237

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Plaintiffs' Steering Committee ("PSC")	
Bradley Leger	Leger Ketchum & Cohoon, PLLC 10077 Grogan's Mill Rd., Ste. 325 The Woodlands, TX 77380
Chelsea Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Gabe Assaad	McDonald Worley 1770 St. James Pl., Ste. 100 Houston, TX 77056
Jenny Elwell	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
Chad Roberts	eDiscovery CoCounsel, PLLC 1 Independent Dr., B1 Jacksonville, FL 32202
Brian Tadtman	Woodworth Law Firm, LLC 7200 W. 132 nd St., Ste. 320 Overland Park, KS 66213
Jose Rojas	Levin, Rojas, Camassar & Reck, LLC 40 Russ St. Hartford, CT 06106
Aaron Dickey	Dickey Anderson, LLC 1104 Moorlands Dr. St. Louis, MO 63117
Robert Brown	Robert Brown Law 3225 Aviation Ave., Ste. 101 Miami, FL 33133
Jakob Norman	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715
Ryan Cavanaugh	Constant Legal Group, LLP 737 Bolivar Rd., Ste. 440 Cleveland, OH 44115
Doug Monsour	Monsour Law Firm 404 N Green St Longview, TX 75601

1 2 3 Jon Conlin	Cory Watson, P.C. 2131 Magnolia Avenue South Birmingham, AL 35205
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4 Plaintiffs shall add attorney Troy A. Brenes to the Plaintiffs' Executive Committee,
5 and an attorney designated by Mr. Brenes to Plaintiffs' Steering Committee.

6 **II. Responsibilities.**

7 **A. Procedural Matters.**

8 1. As noted in this Court's previous Order Setting Initial Case Management
9 Conference dated August 22, 2023 (Doc. 7), the Clerk of this Court will maintain a Master
10 Docket case file under the style "*In Re: Bard Implanted Port Catheter Products Liability*
11 *Litigation*" and the identification "MDL No. 3081." Plaintiffs' Lead/Liaison Counsel will
12 be (a) the only attorneys permitted to file in the Master Docket as to all actions, and (b) the
13 only attorneys receiving Notices of Electronic Filing for pleadings and orders filed in the
14 Master Docket for all actions.

15 2. With regard to the Master Docket, Plaintiffs' Lead/Liaison Counsel shall:

- 16 a. Serve as the recipients for all Court orders.
- 17 b. Coordinate service and filings for all plaintiffs whether presently
18 included or subsequently added to this MDL.
- 19 c. Maintain and distribute to co-counsel and to Defendants' Counsel an
20 up-to-date service list.
- 21 d. Maintain responsibility for service upon all other attorneys and parties
22 as to filings made in the Master Docket. Specifically, Lead/Liaison
23 Counsel shall receive and distribute, to all other Plaintiffs' counsel,
24 pleadings, orders, and motions by email, overnight courier service, or
25 telecopier, within two days after receipt, unless such service has been
26 waived, in writing, by a receiving counsel.
- 27 e. Coordinate discovery and litigation with similar cases outside of this
28 Court's jurisdiction.

1 3. Lead/Liaison Counsel is only responsible for service with regard to filings in
2 the Master Docket. With regard to case-specific filings, all attorneys of record in the
3 relevant member action will receive a Notice of Electronic Filing from the Court.

4 4. New counsel for later-filed or later-transferred cases that become part of this
5 MDL shall be responsible for checking the Master Docket for all orders previously entered
6 that may have relevance to such new cases.

7 **B. Responsibilities Specific to Lead/Liaison Counsel.**

8 In addition to the responsibilities identified above, Plaintiffs' Lead/Liaison Counsel
9 shall:

10 1. Coordinate the establishment of a document depository, real or virtual, to be
11 available to all participating plaintiffs' counsel;

12 2. Maintain and make available to all participating plaintiffs' counsel of record,
13 at reasonable hours, a complete file of all documents served by or upon each party (except
14 documents as may be available at a document depository);

15 3. Prepare agendas for court conferences and periodically report regarding the
16 status of the case; and

17 4. Carry out such other duties as the Court may order.

18 **C. Responsibilities Applicable to all Plaintiffs' Leadership Counsel.**

19 Plaintiffs Leadership Counsel shall have the following responsibilities:

20 1. Discovery

21 a. Initiate, coordinate, and conduct all pretrial discovery on behalf of
22 plaintiffs in all actions consolidated in this MDL.

23 b. Develop and propose schedules for the commencement, execution,
24 and completion of all discovery on behalf of all plaintiffs.

25 c. Cause to be issued in the name of all plaintiffs the necessary discovery
26 requests, motions, and subpoenas pertaining to any witnesses and
27 documents needed to properly prepare for the trial of relevant issues
28 found in the pleadings of this litigation.

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d. Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of all plaintiffs.

2. Hearings and Meetings

a. Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules or joint briefs, and any other appropriate matters pertaining to pretrial proceedings.

b. Examine witnesses and introduce evidence on behalf of plaintiffs at hearings.

c. Act as spokespersons for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

3. Miscellaneous

a. Submit and argue all verbal and written motions presented to the Court on behalf of Plaintiff's Leadership Counsel as well as oppose, when necessary, any motion submitted by defendants or other parties which involve matters within the sphere of the responsibilities of Plaintiffs' Leadership Counsel.

b. Negotiate and enter into stipulations with defendants regarding this litigation. All stipulations entered into by Plaintiffs' Leadership Counsel, except for strictly administrative details, must be submitted for Court approval and will not be binding until ratified by the Court. Any MDL plaintiffs' attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection within five (5) days after he/she knows or should have reasonably become aware of the stipulation. Failure to object within this time

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shall be deemed a waiver and the stipulation will be binding on that party.

- c. Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- d. Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions for examinations by all MDL plaintiffs or their attorneys.
- e. Perform any task necessary and proper for Plaintiffs' Leadership Counsel to accomplish its responsibilities as defined by the Court's orders, including organizing subcommittees comprised of plaintiffs' lawyers not on Plaintiffs' Leadership Counsel.
- f. Work with Lead/Liaison Counsel to coordinate the responsibilities of Plaintiffs' Leadership Counsel meetings, keep minutes or transcripts of these meetings, appear at periodic Court-noticed status conferences, perform other necessary administrative or logistic functions of Plaintiffs' Leadership Counsel, and carry out any duty as ordered by the Court.
- g. Perform other such functions that may be expressly authorized by further Court Orders.

D. Reimbursement of Costs Expended.

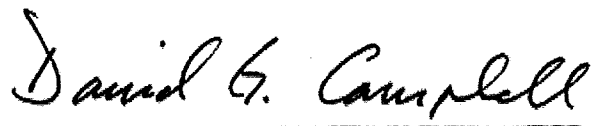
Plaintiffs' Leadership Counsel shall be entitled to seek reimbursement for costs expended at the time and in a manner approved by the Court. Reimbursements will be governed by a further case management order to be proposed by Plaintiffs' Leadership Counsel and entered by the Court.

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1 **III. Term of Appointments.**

2 Appointments to leadership positions in this order shall last for **one year** from the
3 date of this order unless terminated earlier by the Court. **Thirty days** before the expiration
4 of this one-year term, Lead/Liaison Counsel shall file a memorandum notifying the Court
5 of the need to make further appointments and making recommendations regarding those
6 appointments.

7 Dated this 19th day of September, 2023.

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11 David G. Campbell
12 David G. Campbell
13 Senior United States District Judge
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EXHIBIT D

MICHAEL A. GALPERN

JAVERBAUM WURGAFT HICKS KAHN WIKSTROM & SININS PC
1000 HADDONFIELD BERLIN RD SUITE 203 VOORHEES NJ 08043

mgalpern@lawjw.com

856-596-4100

EDUCATION:

- 1985 BA - Rutgers University, New Brunswick, New Jersey
- 1988 JD - Rutgers Law School, Camden, New Jersey

EMPLOYMENT:

- 1988-1989 - Law Clerk, Honorable Jerome B. Simandle, United States District Court, Camden, New Jersey
- 1989-2018 - Locks Law Firm LLC, Cherry Hill, New Jersey
- 2018- present - Javerbaum Wurgaft Hicks Kahn Wikstrom and Sinins PC
- 1998-2006 - Adjunct Professor of Law, Rutgers School of Law - Camden

BAR ADMISSION:

- 1989 - Pennsylvania
- 1989 - New Jersey

CERTIFICATION:

Civil Trial Attorney (New Jersey Supreme Court; recertified twice)

COURT ADMISSION:

- 1989 - Eastern District, Pennsylvania
- 1989 - Third Circuit Court of Appeals
- 1989 - District Court of New Jersey
- 1989 - New Jersey Supreme Court
- 2017 - Supreme Court of the United States

NEW JERSEY ASSOCIATION FOR JUSTICE (NJAJ) (f/k/a ATLA-NJ):

NATIONAL GOVERNOR, American Association for Justice, June, 2016 - Present

PRESIDENT, New Jersey Association of Justice, June 2010 – June 2011

PRESIDENT ELECT, New Jersey Association of Justice, June 2009 to June 2010

FIRST VICE PRESIDENT, New Jersey Association of Justice, June 2008 to June 2009

SECOND VICE PRESIDENT, New Jersey Association of Justice, June 2007 to June 2008

THIRD VICE PRESIDENT, New Jersey Association of Justice, June 2006 to June 2007

TREASURER, New Jersey Association of Justice (f/k/a ATLA-NJ), June 2005 to June 2006

WORKERS INJURY LITIGATION GROUP (WILG):

PRESIDENT, Workers Injury Law and Advocacy Group, October 2014

PRESIDENT-ELECT, Workers Injury Law and Advocacy Group, October 2013

TREASURER, Workers Injury Law and Advocacy Group , October, 2012

BOARD OF DIRECTORS, Workers Injury Litigation Group . 2007- present

AMERICAN ASSOCIATION FOR JUSTICE (AAJ):

BOARD OF GOVERNORS

NATIONAL TRIAL LAWYERS ASSOCIATION (NTLA):

MEMBER

APPOINTMENTS:

In Re: Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation, Case No: M:05-CV01699-CRB, MDL No. 1699, Appointed by the Honorable Charles R. Breyer, United States District Court. Appointed to Plaintiffs Steering Committee.

In Re: Propecia (FINASTERIDE) Product Liability Litigation, Case No: 12-md-2331 – JG-VVP, Appointed by the Honorable Viktor V. Pohorelsky, United States Magistrate Judge. Appointed to Plaintiffs Steering Committee.

In Re: Yapstone Data Breach, Case No. 4:15-cv-04429-JSW, a data breach case which settled under confidential terms. I and my firm were appointed by the Hon. Jeffrey White, United States District Judge, Northern District of California, to the Plaintiff's Executive Committee

In Re: Experian Data Breach, Case No.: SACV 15-1592 AG (DFMX). I and my firm were appointed by the Hon. Andrew J. Guilford, United States District Judge, Central District of California, to serve on the Plaintiffs Steering Committee.

Caprarola v. Wells Fargo, Superior Court of New Jersey, Law Division: Camden County Cam-L-3570-13, a statewide class action on behalf of loan officers at Wells Fargo. Appointed as Class Counsel.

Jackeline Martinez-Santiago v. Public Storage, Civil No.: 14-302 (JBS/AMD), United States District Court for the District of New Jersey. I and my firm were appointed by the Hon. Jerome B Simandle, Chief United States District Judge for the District of New Jersey as Class Counsel.

Zayas v. Power Windows & Siding & Gutter Power, LLC, Superior Court of New Jersey, Law Division: Camden County CAM-L-5454-09, a statewide class action of NJ Consumers. I was appointed by Hon. Louis R Meloni, J.S.C. Superior Court of New Jersey as Class Counsel.

Kepler v. Weichert, Superior Court of New Jersey, Law Division: Camden County CAM-L-845-10, a statewide class action on behalf of New Jersey consumers. I was appointed by the Hon. Deborah Silverman Katz, J.S.C., Superior Court of New Jersey, as Class Counsel.

Kyle Rivet, et al. v. Office Depot, Case No.: 2:12-02992 (WJM), United State District Court for the District of New Jersey, a multistate Fair Labor Standards Act (FLSA) action. I was appointed by the Hon. William J. Martini as Class Counsel.

Oravsky v. Encompass Insurance Company, Civ. No. 3:10-cv-03168 (PGS)(LHG), United State District Court for the District of New Jersey, a statewide class action on behalf of New Jersey consumers. I was appointed by the Hon. Peter G Sheridan as Class Counsel.

In Re Staples Wage and Hour Litigation, Civ. No. 2:08-cv-5746 (KSH)(PS), United State District Court for the District of New Jersey, a nationwide FLSA litigation, in which I also serve as lead trial counsel during a seven week trial and later served as co-lead negotiating counsel. I was also appointed as Class Counsel by the Hon. Katherine Hayden.

Weber v. Geico, Civ. No. 07-1332 (JBS/JS), United State District Court for the District of New Jersey, a statewide class action on behalf of New Jersey consumers. I was appointed by Hon. Jerome B Simandle, United States District Judge for the District of New Jersey, as Class Counsel.

Kaufman v. New England Fitness South, Superior Court of New Jersey, Law Division: Camden County, Docket No: CAM-L-3935-15, a statewide class action on behalf of New Jersey consumers. I was appointed by the Hon. Thomas T. Booth Jr. J.S.C., as Class Counsel.

Edwards v. 21ST Century, Civ. No.: 1:09-cv-04364-JBS-JS, United State District Court for the District of New Jersey, a statewide class action on behalf of New Jersey consumers. I was

appointed by the Hon. Jerome B Simandle, United States District Court for the District of New Jersey as Class Counsel.

In Re: Paragard IUD Products Liability Litigation, United States District Court for the Northern District of Georgia, Atlanta Division, a nationwide product liability litigation on behalf of thousands of women in the country.

Coordinated Proceeding Special Title (Rule 3.550) GILEAD TENOFOVIR CASES, CJC-19-005043, Superior Court for the State of California, County of San Francisco, a nationwide product liability litigation on behalf of thousands of people in the country.

PANEL MEMBER:

United States District Court, District of New Jersey, Camden Division, Magistrate Selection Committee. 2008-2009

APPOINTMENT BY THE NEW JERSEY SUPREME COURT :

To represent the New Jersey Association for Justice on the Committee on July Selection in Civil and Criminal Trials. 2010- 2012, 2012-2014.

LEGAL MODERATOR:

LAWTALK, a public interest legal television show sponsored by the Camden County Bar Association. 2005-2008.

MEMBERSHIPS:

Board of Governors, New Jersey Association for Justice (formerly ATLA-NJ)
Association of Trial Lawyers of America
Member, Key Person Committee - ATLA
Philadelphia Trial Lawyers Association
Philadelphia Bar Association
Camden County Bar Association
New Jersey State Bar Association

FOUNDING MEMBER:

Academy of Catastrophic Injury Attorneys

EXPERIENCE:

Tried numerous bench and jury trials. Drafted appellate briefs and argued before New Jersey Superior Court, Appellate Division. Briefed and orally argued Kiss v. Jacob, 138 NJ 278 (1994), a landmark ruling of the New Jersey Supreme Court establishing allocation of damages in multi-defendant cases. Wrote the Amicus brief in Laidlow v. Hariton Machinery, 170 NJ 602 (2002), another landmark ruling of the New Jersey Supreme Court expanding the rights of an injured worker to bring a third party

action against his employer. Handled complex litigation in products liability, toxic torts, class actions, employment discrimination and medical malpractice. Settled what is believed to be the first medical malpractice action against an HMO in the State of New Jersey. Lead trial counsel, and co-lead MDL counsel, in what is believed to be one of the largest FLSA misclassification settlements in New Jersey, In Re Staples. Lead trial counsel, or co-lead counsel, in numerous class actions involving claims for consumer fraud and commercial law.

INVITED SPEAKER:

-CAMDEN COUNTY BAR ASSOCIATION

Direct and Cross Examination of a Chiropractor

1994

-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Top Ten in Torts

1995

-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Debunking the MIST Defense

1998

-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Top Ten in Torts

April, 2000

-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Liens for the Civil Practitioner

April, 2000

-CAMDEN COUNTY BAR ASSOCIATION

Hot Topics in Environmental Law & Toxic Torts

May, 2000

-ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Impeaching Witness with Style

October, 2000

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Liens for the Civil Litigator

December, 2000

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY

Liens for the Civil Litigator

April, 2001

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA
HMO Liability
Montreal - July, 2001

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Liens for the Civil Litigator
October, 2001

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Preparation of the Low-Impact Automobile Case
December, 2001

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Offensive use of Daubert and Kuhmo Tire
February, 2002

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Top Ten in Torts
April, 2002

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Liens for the Civil Litigator
April, 2002

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator, Motor Vehicle and Premises Liability Program
Atlanta, GA - July, 2002

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA-NEW JERSEY
Moderator and co-course planner, Direct and Cross-Examination of Expert Witnesses
Edison, NJ - December, 2002

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA-NEW JERSEY
Top Ten in Torts
Liens for the Civil Litigator
Atlantic City, NJ - April, 2003

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA
HMO Liability and ERISA Preemption
San Francisco, CA - July, 2003

- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION
New Jersey Civil Trial Preparation Seminar
Maple Shade, NJ - November, 2003

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
How to Deal with Abuse of Discovery Tactics
Edison, NJ - February, 2004

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator, Medical Perspectives on Improving Damages
Atlantic City, NJ - April, 2004

- OHIO ACADEMY OF TRIAL LAWYERS= 50TH ANNUAL CONVENTION
Overview of Employee Retirement Income Security Act of 1974
Columbus, OH - May, 2004

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Defense Radiology
Jamesburg, NJ - October, 2004

- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION
Participation in 3 Panel Member Seminars - Deposing the Expert
Maple Shade, NJ - December, 2004

- CAMDEN COUNTY BAR ASSOCIATION
Moderator of Law Talk
Cherry Hill, NJ - 2004-2005 Season

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Overcoming Juror Bias
Jamesburg, NJ – February, 2005

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Program Co-chair, "Personal Injury: Turning Juries On-From Voir Dire to Verdict"
Atlantic City, NJ - April, 2005

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator, Ethics Program
Atlantic City, NJ - April, 2005

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA
Bextra Teleseminar
April, 2005

- MEALEYS PUBLICATION
Bextra Conference
Chicago, IL - May, 2005

- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION
Selecting a Winning Jury
Cherry Hill, NJ - June, 2005

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Exposing Defense Medicine: Orthopedists & Neurologists
Long Branch, NJ - June, 2005

- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION
New Jersey Civil Trial Preparation Seminar
Maple Shade, NJ - June, 2005

- NEW JERSEY INSTITUTE FOR CONTINUING LEGAL EDUCATION
Program Chairman, Mass Tort/Pharmaceutical Seminar
Edison, NJ - September, 2005

- MASS TORTS MADE PERFECT
Las Vegas, NV - November, 2005

- CAMDEN COUNTY BAR ASSOCIATION
Moderator of Law Talk
Cherry Hill, NJ - 2005 - 2006 Season

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator, Premises Liability
February, 2006

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - Teleconference
Update on Bextra Science and Literature
March, 2006

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator, Ethics
April, 2006

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Top Ten in Torts
April, 2006

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Voir Dire in Medical Malpractice
April, 2006

- HARRIS MARTIN PUBLISHING COMPANY
Moderator, Medical Malpractice Seminar
Philadelphia, PA - May, 2006

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA- NEW JERSEY
Pharmaceutical Litigation: A Manufacturer=s Duty to Warn
Edison, NJ - October, 2006

- AMERICAN ASSOCIATION OF JUSTICE (f/k/a ASSOCIATION OF TRIAL LAWYERS OF AMERICA)
MDL Update on Bextra/Celebrex
Miami, FL - February, 2007

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator: Ethics 2007 Boardwalk Seminar
Atlantic City, NJ - April, 2007

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Medical Malpractice: Selecting the Right Expert
Atlantic City, NJ - April, 2007

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Top Ten in Torts
Atlantic City, NJ - April, 2007

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Exposing Defense Medicine
May, 2007

- AMERICAN ASSOCIATION OF JUSTICE
Vioxx/Bextra/Celebrex- What=s new in New Jersey
Chicago, IL. - July, 2007

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY
Moderator, Mass Torts Program,
October, 2007

- AMERICAN ASSOCIATION OF JUSTICE
The Small Firm's Guide to Fighting the Drug Giants
November, 2007

- OHIO ACADEMY OF TRIAL LAWYERS
Pharmaceutical Litigation for the Small Business Practitioner
December, 2007

- AMERICAN ASSOCIATION OF JUSTICE
VIOXX/Bextra/Celebrex – What's New In New Jersey
Puerto Rico - January, 2008

- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**
Moderator Ethics
May, 2008
- ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY**
Top Ten In Torts
May, 2008
- AMERICAN ASSOCIATION OF JUSTICE**
2008 Annual Convention
Philadelphia, PA – July, 2008
- NEW JERSEY ASSOCIATION FOR JUSTICE (f/k/a ASSOCIATION OF TRIAL LAWYERS OF AMERICA - NEW JERSEY)**
Use of Expanded Voir Dire Procedures to Expose Juror Bias
Edison, NJ – February, 2009
- NEW JERSEY ASSOCIATION FOR JUSTICE**
Ten Practice Tips About Appellate Practices
Atlantic City, NJ – April, 2009
- NEW JERSEY ASSOCIATION FOR JUSTICE**
Ethics Program Co-Chair
Atlantic City, NJ – April, 2009
- NEW JERSEY ASSOCIATION FOR JUSTICE**
State & Federal E-Filing
Atlantic City, NJ – April, 2009
- NEW JERSEY ASSOCIATION FOR JUSTICE**
The Year in Torts in New Jersey/The Top Ten Moderator
Atlantic City, NJ – April, 2009
- AMERICAN ASSOCIATION OF JUSTICE**
Intentional Torts Against the Employer
San Francisco, CA – July, 2009
- WORKERS' INJURY LAW & ADVOCACY GROUP**
Third Party Recoveries for Injured Workers
Carefree, AZ – October, 2009
- NEW JERSEY ASSOCIATION FOR JUSTICE**
Ethics
Atlantic City, NJ – April, 2010

- NEW JERSEY ASSOCIATION FOR JUSTICE
Mass Torts 2010
Atlantic City , NJ – April 2010

- NEW JERSEY ASSOCIATION FOR JUSTICE
What to do when a plaintiff or defendant files for bankruptcy
Atlantic City, NJ – April, 2010

- NEW JERSEY ASSOCIATION FOR JUSTICE
Federal Court: Thriving & Surviving
Meadowlands, NJ - November, 2010

- WORKERS' INJURY LAW & ADVOCACY GROUP
Calling the Defendant in your FLSA CASE
Cleveland, OH – March, 2011

- NEW JERSEY ASSOCIATION FOR JUSTICE
Mass Torts 2011
Atlantic City, NJ – April, 2011

- NEW JERSEY STATE BAR ASSOCIATION
Trial Practice: Uniform Discovery & Credible Trial Dates
Atlantic City, NJ – May, 2011

- NEW SOCIETY OF INTERVENTIONAL PAIN PHYSICIANS
The Legal Impediments to Obtaining Medical Treatment for MVA Victims
Edison, NJ – June, 2011

- NEW JERSEY ASSOCIATION FOR JUSTICE
Understanding PIP Arbitration: Is the PIP System Under Attack?
Meadowlands, NJ - November 2011

- NEW JERSEY ASSOCIATION FOR JUSTICE
Co-chair Mass Torts Program
Atlantic City, NJ – April 2012

- WORKERS' INJURY LAW & ADVOCACY GROUP
Concussions in Professional Sports
Columbus, OH – May, 2012

- OHIO ACADEMY OF JUSTICE –
Concussion Testing in young football players
Columbus, OH – May, 2012

- OHIO ACADEMY OF JUSTICE

Deposing the Corporate Witness and other 30(b)(6) Tips
Cleveland, OH – June 12, 2012

-WORKERS' INJURY LAW & ADVOCACY GROUP

Moderator, Wage & Hour Seminar
Las Vegas, Nevada – October, 2012

-NEW JERSEY ASSOCIATION FOR JUSTICE

Four Concurrent Seminars with Exhibits
Seminar: Trial Evidence for the Personal Injury Attorney 2013
Edison, New Jersey – February, 2013

-OHIO ASSOCIATION FOR JUSTICE

Moderator, Advance Wage & Hour Seminar
Steamboat Springs, CO – March, 2013

-NEW JERSEY ASSOCIATION FOR JUSTICE

Co-chair Mass Torts Program
Atlantic City, NJ – April, 2014

-NEW JERSEY ASSOCIATION FOR JUSTICE

Mass Torts 101
Meadowlands, NJ – November, 2014

-CAPE MAY COUNTY BAR ASSOCIATION

Civil Actions / Class Action Lawsuits CLE Seminar
Seaville, NJ – January 28, 2015

-HARRIS MARTIN PHILLY MASS TORT CONFERENCE

Tinchner Ruling and The Effects of the Change on Mass Tort-Asbestos
Philadelphia, PA – March 27, 2015

-NEW JERSEY ASSOCIATION FOR JUSTICE

Co-chair Mass Torts Program
Atlantic City, NJ – April 2015

-NEW JERSEY ASSOCIATION FOR JUSTICE

Co-chair Mass Torts Program
Atlantic City, NJ – April 2016

-NEW JERSEY ASSOCIATION FOR JUSTICE

Co-chair Mass Torts Program
Atlantic City, NJ – April 2017

-NEW JERSEY ASSOCIATION FOR JUSTICE

All About Liens

Somerset, NJ – March 1, 2018

-FLORIDA JUSTICE ASSOCIATION

Concussion and Other TBI Cases; Drawing a Line in the Sand as to When to Decline an Offer and Try the Case”

Orlando, FL – March 23, 2018

--NEW JERSEY ASSOCIATION FOR JUSTICE

Co-chair Mass Torts Program

Atlantic City, NJ – May 2018

--NEW JERSEY ASSOCIATION FOR JUSTICE

Co-chair Mass Torts Program

Atlantic City, NJ – May 2019

--NEW JERSEY ASSOCIATION FOR JUSTICE

Moderator Mass Torts Program

Presentation - Paraquat

A Digital Experience – June 2021

--NEW JERSEY ASSOCIATION FOR JUSTICE

Moderator Mass Torts Program

Atlantic City, NJ – June 2022

--NEW JERSEY ASSOCIATION FOR JUSTICE

Moderator Mass Torts Program

Atlantic City, NJ – June 2023

--CAMDEN COUNTY BAR ASSOCIATION

Injustice For All: Exposing Racial and Economic Disparities in Medicine and the Workplace

Presented with Drake Bearden, Esquire

Cherry Hill, NJ - April 2023

INVITED SPEAKING ENGAGEMENTS

-WORKERS' INJURY LAW AND ADVOCACY GROUP

Honolulu, Hawaii - October 2023

--NEW JERSEY ASSOCIATION FOR JUSTICE

Presentation: Arbitration – Thrive, Don't Just Survive

Meadowlands, NJ – November 2023

-Professional Day Seminar – Judiciary in Camden County

Presentation: Professional Persuasion – How Being Professional Can Be a Strategic Advantage!

Camden, NJ – November 2023

PUBLICATIONS:

New Jersey Institute For Continuing Legal Education, 2003; 2009 - N.J. Trial and Evidence Book, Chapter: To Speak the Truth; The Status of Voir Dire In New Jersey: Where Do We Go From Here?

AWARDS:

Digital Press International Award for Top Ten Leaders of Southern and Central New Jersey In Personal Injury and Trial Practice, 2003.

- New Jersey Monthly Award - New Jersey Super Lawyer, 2005
- New Jersey Monthly Award - New Jersey Super Lawyer, 2006
- New Jersey Monthly Award - New Jersey Super Lawyer, 2007
- New Jersey Monthly Award - New Jersey Super Lawyer, 2008
- New Jersey Monthly Award - New Jersey Super Lawyer, 2009
- New Jersey Monthly Award – New Jersey Super Lawyer, 2010
- New Jersey Monthly Award – New Jersey Super Lawyer, 2011
- New Jersey Monthly Award – New Jersey Super Lawyer, 2012
- National Trial Lawyers Membership- Top 100 Trial Lawyers, 2012
- New Jersey Monthly Award – New Jersey Super Lawyer, 2013
- New Jersey Monthly Award – New Jersey Super Lawyer, 2014
- New Jersey Monthly Award – New Jersey Super Lawyer, 2015
- New Jersey Monthly Award – New Jersey Super Lawyer, 2016
- New Jersey Monthly Award – New Jersey Super Lawyer, 2017
- New Jersey Monthly Award – New Jersey Super Lawyer, 2018
- New Jersey Monthly Award – New Jersey Super Lawyer, 2019
- New Jersey Monthly Award – New Jersey Super Lawyer, 2020
- New Jersey Monthly Award – New Jersey Super Lawyer, 2021
- New Jersey Monthly Award – New Jersey Super Lawyer, 2022
- New Jersey Monthly Award – New Jersey Super Lawyer, 2023

EXHIBIT E

JENNIFER P. ELWELL
Berger Montague PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
jelwell@bm.net/215-875-3029

LEGAL EXPERIENCE

Berger Montague PC, Philadelphia, PA

Senior Counsel (Consumer Protection Department, Mass Tort Group), 2020-present

In re: The Glen Mills Schools Litigation, Mass Tort Program, Docket No. 900 before Hon. Fletman (Phila. Ct. Common Pleas): Represent survivors of physical, sexual and emotional abuse with claims against an institution that received juvenile-court adjudicated teenage boys. Conducted extensive client interviews and evaluated hundreds of allegations of abuse. Involved in every facet of the case in collaboration with co-liaison counsel, including drafting the master complaint, crafting case management orders and plaintiff and defendant fact sheets, completing plaintiff discovery obligations for over 120 clients, managing review of over one million defendant documents, preparing for and participating in 30(b)6 and plaintiff depositions, preparing for and participating in mediation, and most recently, selecting bellwether candidates and preparing for trials.

In re: Allegan Biocell Textured Breast Implant Products Liability Litigation (MDL 2921) before Hon. Martinotti (D.N.J.): Managed the completion of discovery obligations for over 130 MDL clients, including service of Plaintiff Fact Sheets and corresponding document productions within a Court-ordered deadline. Oversee various other discovery and bellwether evaluation efforts for clients filed in the MDL, and related MCL, JCCP and class actions.

In re: Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Liability Litigation (MDL 3014) before Hon. Conti (W.D. Pa.): Managed a team to complete case evaluations and census registry obligations for over 2500 clients. Oversee various other discovery and bellwether evaluation efforts, including the filing of short-form complaints, service of Plaintiff Fact Sheets and related document productions for over 50 plaintiffs.

Confidential Settlement/Workplace Discrimination: Represented 17 employees with workplace discrimination claims against an international corporation that resulted in a confidential settlement. Conducted an in-depth investigation into client allegations, including interviews and assessment of supporting documents, corporate organization, policies, and culture. Prepared comprehensive claims summaries on issues that included discriminatory hiring and termination, compensation, promotion, retaliation and hostile work environments. Guided clients through a mediation process involving severance and global settlement agreements, coordinating with the mediator and defense counsel for allocation and distribution of funds.

Kessler Topaz Meltzer & Check LLP, Radnor, PA

Senior Staff Attorney (Consumer Protection Department), 2013-2017

Represented consumers and employees throughout multiple phases of nationwide class actions where the firm was appointed lead or co-lead counsel, including claims challenging predatory lending practices, consumer fraud, unfair and deceptive business practices, antitrust violations and wage and hour violations. Conduct extensive legal research, and analysis. Draft discovery motions, pretrial motions; dispositive and class certification motions; and discovery requests. Interview plaintiffs and prepare corresponding discovery responses. Assess deposition testimony and other discovery material for class certification briefing. Participate in trial preparation.

Heckscher Teillon Terrill & Sager PC, West Conshohocken, PA

Associate Attorney, 2006-2008

Represented beneficiaries and fiduciaries in estate, trust and fiduciary matters, including preparation of guardianship petitions and participation in related proceedings, fiduciary litigation, and special needs planning.

Dechert LLP, Philadelphia, PA

Senior Staff Attorney (Products Liability Department), 2006

Managed plaintiff fact investigations for multidistrict pharmaceutical litigation at an international defense law firm.

Pepper Hamilton LLP, Philadelphia, PA

Associate Attorney (Health Effects Litigation Department), 2001- 2004; *Summer Associate*, 2000

Supervised team of fifteen attorneys for response to U.S. Justice Department subpoenas related to audits of pharmaceutical companies at a national defense law firm. Conduct audit of pharmaceutical company to ensure compliance with federal regulations and identify potential corporate witnesses.

Chadbourne & Park LLP, New York, NY

Paralegal, (Products Liability Department – Tobacco Litigation), 1994-1998

EDUCATION

Temple University Beasley School of Law, Philadelphia, PA, Juris Doctorate, 2001

Member, *Temple Law Review*; Outstanding Oral Advocacy Award Recipient

Villanova University, Villanova, PA, Bachelor of Arts, English and Sociology, Dual Major, 1992

ADMISSIONS

Pennsylvania, U.S. District Court for the Eastern District of Pennsylvania

New Jersey, U.S. District Court for the District of New Jersey

AFFILIATIONS

American Association for Justice

Philadelphia Trial Lawyers Association

The National Trial Lawyers Top 100