

IN RE ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 634

MASTER DOCKET NO.

FILED

JUL 31 2020

CRISTELLE L. HARZ
J.S.C.

CASE MANAGEMENT ORDER # 2

(Service on Allergan, Inc. and Allergan USA Inc.)

I. SCOPE OF THE ORDER

This Order shall govern: (1) all cases previously filed and all those hereinafter filed or transferred to Bergen County pursuant to the Supreme Court Order of June 8, 2020; and (2) all related cases originally filed in this Court, or transferred to this Court.

This Order only applies to cases brought by United States citizens or residents who presently have or previously had Allergan Biocell® textured breast implants or tissue expanders that were implanted and who assert claims related to Breast Implant Associated Anaplastic Large Cell Lymphoma (“BIA-ALCL” or “BIA-ALCL Cases”). Orders and notices common to this multicounty litigation (“MCL”) are available on the Judiciary web page and can be accessed at: <https://njcourts.gov/attorneys/mcl/bergen/allergenbiocell.html>.

II. STREAMLINED SERVICE OF PROCESS FOR ALLERGAN, INC. AND ALLERGAN USA INC.

A. Allergan, Inc. and Allergan USA Inc. agree to waive formal service of process under Rule 4:4-4 and to accept service of BIA-ALCL Cases that are properly commenced in or transferred to this MCL. Allergan, Inc. and Allergan USA Inc. invoke all benefits provided by the New Jersey Court Rules to defendants who waive service of a summons, and Allergan, Inc.

and Allergan USA Inc. do not waive any defenses available to them.

B. *Procedure.* The Complaint and a Summons shall be served by electronic mail (“email”) to the following address: MCL634Pleadings@reedsmith.com. Each email sent to this address shall contain only one Complaint and Summons per case, and the subject line of each email shall state the first and last name of the first Plaintiff listed in the caption and the docket number assigned to the case. The body of each email must also include contact information for counsel of record.

i. Service will be effective only if addressed as above. General mailing or use of other methods of transmission, including but not limited to Federal Express or email to an alternate email address, will not be sufficient to effect service.

ii. Plaintiffs should receive an automatic reply from the mailbox address after a Complaint is served. If no such reply is received within twenty-four (24) hours, Plaintiffs should re-serve it pursuant to the terms of this Order. Upon successful email service, the date of the initial effort to serve the Complaint via email shall be deemed the date of service.

C. *Timing.* Plaintiffs whose Complaints have not already been served upon Allergan, Inc. and Allergan USA Inc.; and whose case has not yet been docketed in the MCL shall have ninety (90) days from the date the case is docketed in the MCL to serve their Complaint with a Summons. Cases that already have been docketed in this MCL shall have sixty (60) days from entry of this Order to serve a Complaint with a Summons only if service has not already been effected.

D. Allergan, Inc. and Allergan USA Inc. agree to provide thirty (30) days written notice before moving to dismiss for a technical defect in the service process described in this CMO. Complaints that are not served in the manner set forth above will be subject to the standards

governing Rule 4:37-2. Other than those based on formal service of process, Allergan, Inc. and Allergan USA Inc. reserve all other rights and defenses available to them under federal or state law and under applicable treaties and conventions.

Dated: July 31, 2020


HON. RACHELLE L. HARZ, J.S.C.