
IN RE: PELVIC MESH/BARD
LITIGATION

FILED
SUPERIOR COURT OF NEW JERSEY
APR 25 2019

LAW DIVISION: BERGEN COUNTY
RACHEL COUNTY
J.S.C.

CASE NO. 292

MASTER DOCKET NO.: BER-L-17717-14

CIVIL ACTION

CASE MANAGEMENT ORDER #41

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

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 on this date; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 25 day of April 2019, ORDERED as follows:

PART I

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 40, dated March 28, 2019;
- B. Scheduling Order pertaining to the *Mosby v. Bard* matter, dated March 29, 2019;
- C. Order to Relieve Counsel for Plaintiff in the *Rangel v. Bard* matter, BER-L-19600-14, dated April 2, 2019; and,
- D. Scheduling Order pertaining to the *McAllister v. Bard* matter, dated April 12, 2019.

PART II

II. COMPLIANCE WITH PRIOR ORDERS

A. Case Management Order No. 40

1. **Align Trials Scheduled for September of 2019:** Pursuant to Section III(B) of this Court's Case Management Order No. 40, the parties have met and conferred regarding pre-trial scheduling for the consolidated Align trials scheduled for September 2019. The parties desire to further discuss this topic with the Court and will be prepared to discuss this topic at the Case Management Conference.
2. ***Kathy Mosby v. C. R. Bard*, BER-L-18993-14:** Pursuant to Section III(C) of this Court's Case Management Order No. 40, the parties have submitted a jointly proposed discovery order in the *Mosby* matter. The Court subsequently executed a discovery order in this matter on March 29, 2019.
3. ***Peggy McAllister v. C. R. Bard*, BER-L-018545-14:** Pursuant to Section III(D) of this Court's Case Management Order No. 40, the parties have submitted a jointly proposed discovery order in the *McAllister* matter. The parties will be prepared to discuss this topic at the Case Management Conference.
4. **Avaulta Trials Scheduled for January of 2020:** The parties will be prepared to discuss this topic at the Case Management Conference.

PART III

III. CASE MANAGEMENT

- A. **Status of Bellwether Case Discovery:**
-The parties report that Bellwether Case Discovery is moving along and there are no issues to report to the court at this time.
- B. **Pre-trial Scheduling of Align trials scheduled for September 2019:**
-The parties informed the court that they are near the completion of a case management order and will submit it to the court shortly. Furthermore, the parties will provide dates for their experts' depositions on or before May 3, 2019.

C. Plaintiffs' Privilege Log Challenges:

-This court discussed the privilege log issue with the parties and will issue a written ruling in the coming weeks.

D. January 2020 Avaulta Trials:

-The parties reported that they are working on a case management order and will submit an order to the court upon completion.

PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for May 30, 2019 at 10:30 a.m. Liaison Counsel shall report at ^{10:00}~~9:00~~ a.m. to Courtroom ³⁵⁹~~345~~. **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 you 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.1:4-8 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. Any counsel who has not already done so 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 HARZ, J.S.C.