
**IN RE: PELVIC MESH/BARD
LITIGATION**

FILED

JUL 19 2018

James J. DeLuca, J.S.C.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 292

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

CIVIL ACTION

CASE MANAGEMENT ORDER #35

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; having conducted a CMC; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 19th day of **July 2018**, **ORDERED** as follows:

PART I

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 34, entered June 19, 2018.
- B. Amended Case Management Order No. 34, dated June 25, 2018
- C. Order relating to privilege claims, entered July 3, 2018.
- D. Order of dismissal dated June 20, 2018, as to BER-L-17842-14 (Watson).
- E. Order of dismissal dated June 20, 2018, as to BER-L-19016-14 (Shelton).
- F. Order of dismissal dated June 20, 2018, as to BER-L-18693-14 (McFalls).
- G. Order of dismissal dated June 20, 2018, as to BER-L-18524-14 (Lahr).

- H. Order of dismissal dated June 20, 2018, as to BER-L-19007-14 (Cobb), L-17711-14 (Douglass), L-17750-14 (Ladd), L-1464-15 (Owens) and L-1818-15 (Sharrow).
- I. Order of dismissal dated June 20, 2018, as to BER-L-2882-15 (Wells).
- J. Order of dismissal dated June 20, 2018, as to settlement of various Covidien matters.
- K. Order of dismissal dated June 20, 2018, as to BER-L-18622-14 (Bailey).
- L. Order of dismissal dated June 21, 2018, as to BER-L-17538-14 (Vnenchak).
- M. Order of dismissal dated June 27, 2018, as to BER-L-18156-14 (Moore).

PART II

II. COMPLIANCE WITH PRIOR ORDERS

A. Amended Case Management Order No. 34

- 1. **Selection of Additional Cases For Trial:** The parties have each designated an additional bellwether case for trial. Plaintiffs' counsel has designated Norma Cruz (BER-L-17504-14) and Defendant's counsel has designated Phyllis Leypoldt (BER-L-18346-14). Counsel for the parties have also provided the Plaintiffs' Fact Sheet for each of the six (6) cases designated in the next trial pool.

B. Order Relating To Privilege Claims, entered July 3, 2018

- 1. On July 12, 2018, Defendant C. R. Bard, Inc. produced five documents to Plaintiffs' counsel pursuant to the Court's Order regarding privileged documents.

PART III

III. CASE MANAGEMENT

A. Parties' have selected the two (2) additional cases, Cruz and Leypoldt. The next trial pool cases are Amussen (BER-L-17894-14), Cruz (BER-L-17504-14), Gasper (BER-L-3159-15), Green (BER-L-17671-14), Leypoldt (BER-L-18346-14) and Oliver (BER-L-880-15). The parties are to meet and confer as to scheduling of these matters.

- 1. Parties are to meet and confer, then provide proposed scheduling of these matters by the next case management conference.

2. Plaintiffs are to produce updated Plaintiff Fact Sheets as one document for each of the next six (6) trial pool cases listed above as one at Part III. A.

B. Defendant's Production of Documents To Plaintiffs' Counsel And Additional Information To The Court Pursuant To The Court's 7/3/2018 Order, and Plaintiffs' Request For Defendant to De-Designate And Produce Documents.

1. Parties are to provide to the court the number of documents on the privilege log, and the number of documents that were withheld in their entirety.

C. Upcoming trials. The Moore case has settled. The next two (2) cases for trial are Rios and Lewis with the order of trials not decided yet. The court adopts the schedule for Rios as set forth in CMO NO. 34, except as follows:

1. Parties will exchange all deposition designations for Rios by August 17, 2018.
2. Parties will exchange objections and counter-designations of depositions for Rios by August 31, 2018.
3. Parties to exchange objections to counter-designations on counter-counter designations for Rios by September 14, 2018.
4. Jury questionnaire proposals to be submitted by August 2, 2018.
5. Statement of the case for the jury to be submitted by August 2, 2018.
6. Note: Lewis schedule to be set at next Case Management Conference on August 24, 2018.

D. Covidien: The Covidien stay is extended to the next Case Management Conference.

1. Covidien shall advise the court by the next settlement conference as to the availability of Mr. Petrosinelli and Ms. Reisman for a settlement conference as to Elizabeth Williams BER-L-17458-14; Terri Harp BER-L-018118-14; and Catherine Guerrero BER-L-017838-14.
2. The Court will enter an Order directing these Plaintiffs and counsel to be present for the scheduled settlement conference.

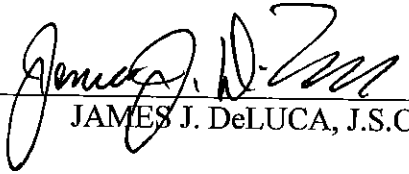
PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for August 24, 2018 at 3:15 p.m. Liaison Counsel shall report at 2:30 p.m. to Courtroom 315. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.** The next case management conference shall be held by the Honorable Mary F. Thurber, J.S.C.
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. Counsel 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.


JAMES J. DeLUCA, J.S.C.