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

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**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION: BERGEN COUNTY**

**CASE NO. 292**

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

**CIVIL ACTION**

**CASE MANAGEMENT ORDER #21**

**FILED**

**JAN 26 2017**

**James J. DeLuca, J.S.C.**

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 26<sup>th</sup> day of January 2017, **ORDERED** as follows:

**PART I**

**I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

- A. Case Management Order No. 20, entered November 3, 2016.
- B. Scheduling Order, entered December 16, 2016.

**PART II**

**II. COMPLIANCE WITH PRIOR ORDERS**

**A. Case Management Order No. 20 and December 16, 2016 Scheduling Order**

- 1. The parties met and conferred on the discovery issues and submitted status reports to the Court. The parties were unable to resolve the alleged outstanding discovery issues, as reported to the Court, and respectfully request the Court's intervention. The parties submitted their prospective positions on December 9, 2016. On December 20, 2016, Plaintiffs filed a supplemental brief in support of their application to compel more discovery. On January 6, 2017, Defendants filed a letter brief in

opposition to Plaintiffs' brief and supplemental brief. On January 13, 2017, Plaintiffs re-filed their initial brief to include references to the exhibits, as well as a Certification of Adam M. Slater in support of their application.

2. The parties are continuing to meet and confer on the choice of law issue and will report the status of those discussions to the Court at the CMC.

### **PART III**

#### **III. CASE MANAGEMENT**

##### **A. Status of Bard Cases**

1. Report on Bard Docket
  - i. There are 355 cases remaining in the inventory.
2. Discovery Issues
  - i. The Court has made a ruling on the bench.
3. Pathology Protocol:
  - i. The Parties will meet and confer in regards to the Pathology Protocol and update the Court one week prior to the next case management conference.
4. Bellwether Cases: Choice of Law
  - i. The Parties will meet and confer and report their status one week prior to the next case management conference.
5. Plaintiffs' Dismissal of Defense Selected Bellwether Cases
  - i. Defense Counsel will have 2 weeks to pick 3 additional cases for the bellwether pool. The cases must conform with prior Orders and must be from different law firms.
6. Plaintiffs' Request to Set Trial Dates
  - i. The Parties will meet and confer to discuss the time period needed to try a bellwether case.
7. Plaintiffs' Request to Select Next Bellwether Pool and Schedule for Initiation of Discovery
  - i. The Parties will identify 4 Plaintiff cases and 4 Defense cases for the next bellwether pool.
  - ii. The Parties will meet and confer to discuss the types of cases that should be selected.
  - iii. Cases are not to be from the same law firm.

B. MDL Status Report

1. N/A

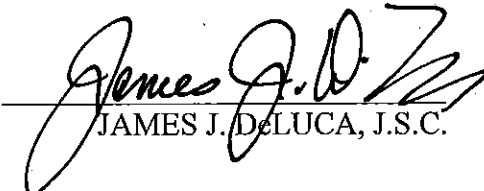
**PART IV**

**IV. GENERAL**

1. The next Case Management Conference is scheduled for February 28, 2017 at 9:30 a.m. Liaison Counsel shall report at 08:45 a.m. to Courtroom 401. **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 your 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](mailto:Jamie.Colaneri@njcourts.gov) and Sean Hanratty at [Sean.Hanratty@njcourts.gov](mailto: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.

  
A handwritten signature in cursive script, reading "James J. DeLuca", is written over a horizontal line. Below the line, the name "JAMES J. DELUCA, J.S.C." is printed in a serif font.

JAMES J. DELUCA, J.S.C.