
IN RE: PELVIC MESH/BARD
LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 292

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

CIVIL ACTION

CASE MANAGEMENT ORDER #29

FILED

NOV 08 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 8th day of November 2017, **ORDERED** as follows:

I. ORDER ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order No. 28, September 27th, 2017

II. COMPLIANCE WITH PRIOR ORDER

A. Case Management Order No. 28

1. **Report on Bard Docket:** The Court entered an Order of Dismissal on September 29, 2017.
2. **Status of Discovery in Lewis:** The Court entered a Case Management Order in this matter on October 6, 2017. The same Order was also entered on October 13, 2017.
3. **Pre-Trial Schedule for McGinnis, Moore, and Rios matters:**

Bard's Position: CMO No. 28 set forth a pre-trial schedule for the *McGinnis, Moore, and Rios* matters. By correspondence with the Court on October 27, 2017, the Court granted short extensions of the deadlines in all three matters as follows:

- a. All briefs/motions must be filed and exchanged by November 8, 2017;
- b. Opposition briefs will be filed by November 30, 2017; and
- c. Reply briefs will be filed by December 11, 2017. Mr. Slater's October 27, 2017 letter to the Court specifically requested that the deadline to file any reply briefs be extended until December 11, 2017.

Plaintiffs' Position: Plaintiffs submit that these deadlines only apply in the *McGinnis* matter because it was never discussed or intended that the Court would also be deciding motions specific to the *Moore* or *Rios* cases where those cases do not have trial dates.

With respect to the deadline for the reply briefs, Plaintiffs now request that the Court direct that reply briefs only be filed with leave of Court where good cause exists in accordance with the procedure in place in the Ethicon litigation.

4. **Status of meet and confer on privileged documents:** The parties will be prepared to report to the Court on the status of the meet and confer discussion on the issue of privileged documents.
5. ***In camera* review of Becton Dickinson related documents:** Bard provided Plaintiff's counsel with a link to a publicly available agreement between Becton and Bard with no schedules or exhibits attached.
 - a. Potential additional insurance information will be disclosed by December 15, 2017, otherwise the request for additional materials is denied.

III. CASE MANAGEMENT CONFERENCE

A. Status of Bard Cases

1. McGinnis: updated deposition of Plaintiff and other pre-trial issues. Plaintiff has consented to a one (1) hour supplemental deposition of the Plaintiff limited to her medical condition, medical treatment, and quality of life since the last deposition. (Logistics to be determined)
2. Bellwether pre-trial schedule: dates for hearings on motions and pretrial Conference
 - a. Parties will exchange affirmative deposition designations by November 17, 2017
3. Scheduling Order to be put in place for next round of bellwether cases (*Oliver, Gasper, and Asmussen*)
 - a. Parties will meet and confer on the issue of the next round of bellwether cases.

4. **Status of meet and confer on privileged documents:** The parties will be prepared to report to the Court on the status of the meet and confer discussion on the issue of privileged documents by November 17, 2017.
5. Covidien: The Covidien stay is extended

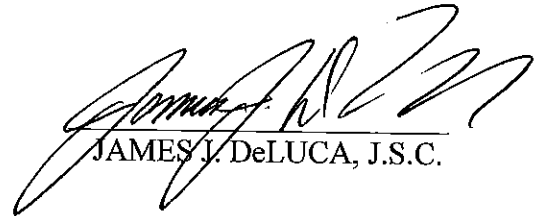
PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for December 18, 2017 at 10:00 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 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.

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* THE DISCOVERY END DATE IN THIS MATTER IS
NEARLY EXTENDED TO APRIL 30, 2018 