

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 #39

**FILED**

**FEB 20 2019**

**RACHELLE L. HARZ  
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; 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 20 day of **February 2019**, **ORDERED** as follows:

**PART I**

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

- A. Decision and Order Regarding Consolidation, *In Re: Pelvic Mesh/Bard Litigation*, Master Docket No. BER-L-17717-14, dated January 18, 2019.
- B. Case Management Order No. 38, dated January 10, 2019.

## PART II

### II. COMPLIANCE WITH PRIOR ORDERS

#### A. Case Management Order No. 38

1. **Bellwether Case Discovery Scheduling Order:** Pursuant to Section III(B) of this Court's Case Management Order No. 38, the parties have met and conferred regarding the scheduling of pre-trial discovery in the current Bellwether cases. The parties will be prepared to discuss this topic at the Case Management Conference.
2. **Pre-Trial Scheduling for Trials:** Pursuant to Section III(C) of this Court's Case Management Order No. 38, the parties have met and conferred regarding pre-trial scheduling for the Align and Avaulta trials. The parties will be prepared to discuss this topic at the Case Management Conference.
3. **Privilege Issue:** The parties have met and conferred regarding the deadlines set forth in Section III(D) of this Court's Case Management Order No. 38 relating to the privilege issue. 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 reported that discovery has begun and is moving along without any issues at this time.

#### B. Scheduling of Trials

The parties met and discussed pre-trial scheduling orders for the consolidated September 2019 Align trial and the consolidated January 2020 Avaulta trial. Reed Smith will submit scheduling orders for the court's approval.

## PART IV

### IV. GENERAL

1. The next Case Management Conference is scheduled for March 21, 2019 at 10:30 a.m. Liaison Counsel shall report at 9:00 a.m. to Courtroom 315. **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](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. 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.