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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 #40**

**FILED**

**MAR 28 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 28 day of **March 2019**, **ORDERED** as follows:

**PART I**

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

- A. Case Management Order No. 39, dated February 20, 2019; and,
- B. Scheduling Order pertaining to the *Vannorsdel v. Bard* and *Williams v. Bard* matters, dated February 26, 2019.

## PART II

### II. COMPLIANCE WITH PRIOR ORDERS

#### A. Case Management Order No. 39

1. **Scheduling of Trials:** Pursuant to Section III(B) of this Court's Case Management Order No. 39, the parties have met and conferred regarding pre-trial scheduling for the consolidated Align trials in September and will submit proposed Scheduling Orders to the Court in advance of the upcoming Case Management Conference. The parties will be prepared to discuss this topic at the Case Management Conference.

### III. AGENDA ITEMS FOR NEXT CASE MANAGEMENT CONFERENCE

- A. **Status of Bellwether Case Discovery:** The parties reported that discovery is progressing without any issues to report to the court.
- B. **Align trials scheduled for September of 2019:** The parties reported that they are in the process of finalizing a pre-trial scheduling order and will submit a proposed order for the court's review on or before April 11, 2019.
- C. **Kathy Mosby v. CR Bard, BER-L-18993-14:** The parties reported that they will meet and confer on a pre-trial scheduling order and will submit a proposed order for the court's review on or before April 11, 2019.
- D. **Peggy McCallister v. CR Bard, BER-L-018545:** The parties reported that they will meet and confer on a pre-trial scheduling order and will submit a proposed order for the court's review on or before April 11, 2019.
- E. **Avaulta trials scheduled for January of 2020:** The parties reported that they will meet and confer regarding a pre-trial scheduling order and report back to the court on their progress at the next Case Management Conference.

## PART IV

### IV. GENERAL

1. The next Case Management Conference is scheduled for April 25, 2019 at 11:00 a.m. Liaison Counsel shall report at 10:30 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.