

FEB 20 2013

IN RE PELVIC MESH/BARD
LITIGATION

: SUPERIOR COURT OF NEW JERSEY, P.J. CIV.
: LAW DIVISION – ATLANTIC COUNTY

: CASE NO. 292 CT

: Civil Action

**RECEIVED and
FILED
FEB 20 2013
ATLANTIC COUNTY
LAW DIVISION**

: **AMENDED INITIAL BELLWETHER
: SCHEDULING ORDER INCLUDING
: SCHEDULE OF INITIAL
: DEPOSITIONS, SELECTION OF
: INITIAL BELLWETHER CASES,
: AND INITIAL PRE-TRIAL SCHEDULE**

THIS MATTER having come before the Court after counsel having met and conferred, and the Court having determined that the process of selecting initial bellwether cases should commence;

IT IS on this 20 day of Feb, 2013

ORDERED that the potential pool of bellwether cases be those cases which, as of August 15, 2012, had substantially completed PFS, including by that date the provision by Plaintiff of the approved blank medical authorizations for each such case to the parties agreed upon medical record vendor, Marker, except that the parties may by agreement include a case that does not satisfy this criteria.

ORDERED that on or before August 15, 2012, any material deficiencies in a PFS for a plaintiff in the potential pool of bellwethers described were to be corrected and provided to defendants.

ORDERED that by August 15, 2012, the parties were to meet and confer regarding the criteria to be used in selection of bellwether cases, but such cases shall not include either multi-plaintiff or multi-manufacturer cases. The cases considered for selection should have had sufficient relevant medical records collected to permit the parties to properly analyze the case for

purposes of possible selection. In the selected cases, at least one case from each side shall involve (1) a POP product and (2) an SUI product. Each case shall involve claimants who have undergone at least one revision procedure. Ordered that on August 31, 2012, each side may select four (4) cases for further discovery.

ORDERED that on or before August 31, 2012, the initial pool eight (8) potential bellwether cases should have been established and (1) case specific discovery should have commenced in connection with those cases on September 1, 2012, and (2) case specific discovery is to be completed in connection with these cases no later than February 28, 2013.

ORDERED that on or before January 17, 2013, the parties were to meet and confer to narrow the initial pool of bellwether cases to four (4). If the parties were unable to agree on the four bellwether cases, any disputes remaining between the parties shall be resolved by the Court. The parties may also agree at an earlier date to limit the number of bellwether cases for further discovery.

ORDERED that Plaintiffs' Initial General and Case Specific Expert Reports, for the four cases selected by the parties as the initial trial pool, be served on or before May 3, 2013.

ORDERED that depositions of Plaintiffs' Experts shall commence after May 17, 2013.

ORDERED that Defendants' General and Case Specific Expert Reports for the four cases selected by the parties as the initial trial pool, be served on or before June 7, 2013.

ORDERED that depositions of Defendants' experts shall commence after June 19, 2013.

ORDERED that all expert depositions be completed by July 26, 2013.

ORDERED that supplemental expert reports addressing documents, information, and testimony obtained after the deadlines for the service of initial and rebuttal expert reports shall be served in compliance with R. 4:17-7.

ORDERED that dispositive motions shall be filed by July 31, 2013; responses to dispositive motions shall be filed by August 21, 2013; and replies to dispositive motions shall be filed by September 2, 2013.


ORDERED that the first bellwether trial(s) shall commence on September 23, 2013, or on a date thereafter to be set by the Court, and shall involve a POP product.

GENERAL APPLICABILITY:

ORDERED that a party seeking the entry of an Order for Commission and Commission to obtain out-of-state discovery shall simultaneously submit it to the Court and serve it upon all counsel in the action in which it is to be entered. In the absence of objection via phone and email or letter to the Court and counsel for the party seeking entry of the Order within 24 hours of its submission and service, the Court may sign the Order.

ORDERED that a party seeking the entry of an Order Admitting to Practice *Pro Hac Vice* shall simultaneously submit the *pro hac vice* motion to the Court and serve it upon all counsel in the action in which it is to be entered. In the absence of objection via phone and email or letter to the Court and counsel for the party seeking entry of the Order within 24 hours of its submission and service, the Court may sign the Order.

It is further ORDERED that a copy of this Order shall be served upon all counsel of record within seven (7) days.


HONORABLE CAROL E. HIGBEE, P.J.S.C.