IN RE PELVIC MESH/BARD
LITIGATION

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – BERGEN COUNTY
:
: CASE NO. 292 CT   BER-L-17717-14 MCL
:
: Civil Action
:
: **BELLWETHER SCHEDULING ORDER,**
: **INCLUDING SCHEDULE FOR NEXT**
: **BELLWETHER SELECTIONS, CASE-**
: **SPECIFIC DISCOVERY, AND PRE-TRIAL**
: **DEADLINES**

THIS MATTER having come before the Court after counsel met and conferred, and for good cause shown:

IT IS on this **26** day of August, 2016

ORDERED that the potential pool of bellwether cases be those cases in which, as of September 9, 2016, (i) the Plaintiff has served a substantially completed PFS, and (ii) the Plaintiff has provided the approved blank medical authorizations to Marker, the parties' agreed upon medical record vendor.

ORDERED that on or before September 9, 2016, any material deficiencies in a PFS for a plaintiff in the potential pool of bellwether cases in which defendants have already served plaintiffs with timely notice of such deficiencies, shall be corrected and provided to defendants.

ORDERED that on or before September 23, 2016, the parties shall select an additional 6 potential bellwether cases (to be added to the pool of two remaining bellwether cases, for a total of 8 bellwether cases) in accordance with the following criteria and process:

a.   Bard shall select a total of an additional four (4) potential bellwether cases. At least one of these cases should involve a POP product, SUI product, and

combination of POP and SUI product. Bard may not select a case involving a product manufactured by a company other than Bard.

b.   Plaintiffs shall select a total of an additional two (2) potential bellwether cases, which will be added to the two current Plaintiff-pick bellwether cases. At least one of these cases should involve an SUI product. Plaintiffs may not select a case in which the claimant was implanted with a product manufactured by a company other than Bard.

c.   Any case selected by the parties shall not include more than one claimant and shall not include a claimant who has been implanted with a device manufactured by a company other than Bard.

ORDERED that on September 23, 2016, the parties shall submit the list of 8 bellwether cases to the Court, to be added to this CMO as Appendix A.

ORDERED that, having established the initial pool of 8 potential bellwether cases on or before September 23, 2016, (i) case specific discovery shall continue/commence in connection with these 8 cases on October 5, 2016, and (ii) case specific discovery shall be completed in connection with these cases on January 31, 2017..

ORDERED that Plaintiffs' Initial General and Case Specific Expert Reports, for the 8 cases selected by the parties as the next trial pool be served on or before February 28, 2017..

ORDERED that Defendants' General and Case Specific Expert Reports for the 8 cases selected by the parties as the next trial pool, be served on or before March 31, 2017..

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 Plaintiffs' Expert Depositions shall commence after March 31, 2017, or service of Defendant's expert reports, whichever is earlier, and be completed on or before May 15, 2017.

ORDERED that Defendants' Expert Depositions shall be completed on or before June 15, 2017;

ORDERED that all motions shall be filed by July 17, 2017; responses shall be filed by August 4, 2017; and replies shall be filed by August 14, 2017.

ORDERED that affirmative deposition designations, objections and counter designations, and objections and counters to counter designations shall be served on a date to be set by the Court.

ORDERED that the Court shall schedule oral argument on the motions and any unresolved disputes over deposition designations on a date or dates to be set by the Court.

ORDERED that the next bellwether trial shall commence on a date to be set by the Court..

HONORABLE JAMES DELUCA, J.S.C.