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**IN RE: PELVIC MESH/GYNECARE  
LITIGATION**

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**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION: BERGEN COUNTY**

**CASE NO. 291**

**MASTER DOCKET NO.: BER-L-11575-14**

**CIVIL ACTION**

**CASE**

**MANAGEMENT ORDER #103**

All prior orders remain in full force and effect except as modified by this Order.

**FILED**

OCT 18 2023

GREGG A. PADOVANO, J.S.C.

**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 October 4, 2023; counsel appearing; for good cause shown and for the reasons set forth on the record;

**IT IS** on this 18<sup>th</sup> day of October 2023, **ORDERED** as follows:

**I. CASE MANAGEMENT**

**A. Status of active Ethicon cases not subject to MSA.**

1. CMO 74 Cases (see also CMO 89). The remaining active cases are listed below and the parties are to continue to complete discovery:
  - i. TVT Exact (Gauldin, Mays, Snyder)
  - ii. TVT Abbrevo (Percia)
  - iv. TVT-Secur (Wilcox)
2. CMO 84 Cases.
  - i. CMO 84 Exhibit X cases that have not been dismissed are to move forward with active fact discovery. As of the date of the CMC, there are 36 cases that remain compliant with CMO 84 that should be in the middle of active discovery. Defendants are in the process of collecting medical records in order to proceed with

depositions and other discovery in the active cases. When sufficient medical records are collected, the parties are expected to proceed with depositions. The parties will meet and confer and provide the Court with a report regarding the remaining active cases at the next case management conference.

- ii. CMO 84 Exhibit Y cases that have not been dismissed are to move forward with active fact discovery. As of the date of the CMC, there are 3 cases that remain compliant with CMO 84 that should be in the middle of active discovery. Defendants are in the process of collecting medical records in order to proceed with depositions and other discovery in the active cases. When sufficient medical records are collected, the parties are expected to proceed with depositions. The parties will meet and confer and provide the Court with a report regarding the remaining active cases at the next case management conference.

## **II. CASE MANAGEMENT DEADLINES.**

The parties shall continue to meet and confer regarding a scheduling order for pretrial deadlines for activated CMO 74 cases and expect to have either an agreed upon order, or identified disputes prepared to be submitted to the Court at or prior to the next CMC.

## **III. ACTIVATION AND SCHEDULING OF ADDITIONAL CASES.**

Plaintiffs requested that additional cases be activated for work up and trial preparedness. Plaintiffs' liaison counsel and Defense counsel are scheduled to meet and confer about the reconciled active case list attempt to develop a proposal for case activation. In the meantime, any plaintiffs' counsel who believes the client's case is ready for activation (including having served a fully updated PFS and updated records release authorizations<sup>1</sup>), may contact Defense Liaison Counsel Kelly Crawford (kcrawford@riker.com) and Kari Sutherland (kari.sutherland@butlersnow.com), copied to Aslater@mazieslater.com, to discuss options.

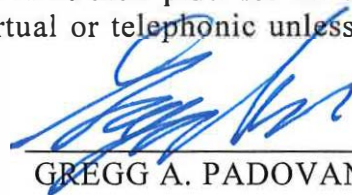
## **IV. FILINGS ON ECOURTS**

Counsel are reminded not to use eCourts to file pleadings and other documents. This MCL requires paper filing or filing through the JEDS system. Any fees charged through an improper submission on eCourts will not be refunded. Please see CMO 96 regarding service and filing notifications.

<sup>1</sup> See, e.g., the updated PFS communication protocol entered on August 28, 2023, which also has appended to it the most current records authorization forms.

**V. MISCELLANEOUS**

The next case management conference will be held on **November 14, 2023** at 2:30 p.m. for liaison counsel only (via Telephone or Zoom) and at 3:30 p.m. for all counsel via telephone on the record; The Conference will be virtual or telephonic unless otherwise directed by Judge Padovano.



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GREGG A. PADOVANO, J.S.C.