
IN RE: PELVIC MESH/GYNECARE
LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291

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

CIVIL ACTION

CASE

MANAGEMENT ORDER #108

FILED

MAR 20 2024

GREGG A. PADOVANO, 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 March 6, 2024; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 20th day of March 2024, **ORDERED** as follows:

I. CASE MANAGEMENT

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

- a. CMO 74 Cases (see also CMO 89 and CMO 105). The remaining active cases are listed below and the parties are to continue to complete discovery:
 - i. TVT Abbrevio (Percia) – Third Amended Case Management Order entered 1/10/2024. It was reported to the Court that the case is not in compliance with the Third Amended Case Management Order and the Court will be setting up a case management conference to address this.
 - ii. TVT Exact (Gauldin)
 - iii. TVT Exact (Mays)

- iv. TVT Exact (Snyder)
- v. TVT-Secur (Wilcox)

1. CMO 84 Cases.

- i. CMO 84 Exhibit X cases that have not been dismissed are to be moving forward with active fact discovery. As of the date of the CMC, there are 28 cases that remain compliant with CMO 84 that should be in the middle of active discovery.
- ii. CMO 84 Exhibit Y cases that have not been dismissed are to be moving forward with active fact discovery. As of the date of the CMC, there remains 1 case that remains compliant with CMO 84 that should be in the middle of active discovery.

II. CASE MANAGEMENT DEADLINES.

CMO 105 entered on December 1, 2023, continues to govern case work up deadlines for CMO 74, CMO 84 and newly CMO 105-activated cases. **PARTIES SHALL NOTE THAT COMPLIANCE WITH PFS-RELATED DEADLINES UNDER CMO 105 REQUIRES THE PROVISION, *INTER ALIA*, OF THE MOST CURRENT UPDATED RECORDS RELEASE AUTHORIZATIONS.**¹ The trial setting for the next trial in New Jersey is January 20, 2025. The parties will be submitting to the Court a case management schedule for the balance of trial work up for the CMO 84 cases.

III. ADDITIONAL CASES TO BE ACTIVATED

- A. Settlement Rejecter Cases.** The following cases (which are categorized as settlement rejecters) are to be immediately activated. Plaintiffs shall have 30 days from the date of this order to provide all information required by the CMO 105 activation order, which includes fully complaint updated Plaintiff Fact Sheets and all updated records autorizations¹.

- 1. Sharlene Sierra v. Ethicon, Inc., et al., BER-L-2960-20 (Johnson Law Group)
- 2. Jacalyn Franke v. Ethicon, Inc., et al., BER-L-7971-19 (Johnson Law Group)

¹ As of the date of this order, the most current records authorization forms can be found attached to the Order entered on August 28, 2023, entitled: "Updated and Amended Notice and Order Regarding Service of Plaintiff's Fact Sheets, Required Records Authorizations and Applications for Extensions of Service Dates," which can be found on the Gynecare MCL court website. <https://www.njcourts.gov/multicounty-litigation/pelvic-mesh-gynecare/case-information>

B. Newly Filed Cases. The below newly filed cases are activated. Records collection shall proceed immediately upon timely service, as required by the current protocols, of fully-compliant plaintiffs' fact sheets and all required current authorizations. Plaintiffs' depositions shall be scheduled as soon as practicable upon collection of the requisite records.

1. Kimberly Twomey v. Ethicon, Inc., et al., BER-L-006943-23 (Schroeder Law Office, Bossier & Associates)
2. Susan Nicholes v. Ethicon, Inc., et al., BER-L-000572-24 (Schroeder Law Office, Bossier & Associates)
3. Kristin Baisch-Ricker v. Ethicon, Inc., et al., BER-L-000298-24 (Schroeder Law Office, Bossier & Associates)
4. Lisa Biller v. Ethicon, Inc., et al., BER-L-950-24 (Schroeder Law Office, Bossier & Associates)
5. Randi Lemoine v. Ethicon, Inc., et al., BER-L-001180-24 (Schroeder Law Office, Bossier & Associates)
6. Jodi Bunn v. Ethicon, Inc., et al., BER-L-001202-24 (Anapol Weiss)
7. Sharhonda Salazar v. Ethicon, Inc., et al., BER-L-001095-24 (Anapol Weiss)
8. Tiffany Ortega-Melendez v. Ethicon, Inc., et al., BER-L-001275-24 (Cohen, Placitella & Roth)
9. Clara Sands v. Ethicon, Inc., et al., BER-L-1448-24, (Anapol Weiss)

IV. MOTIONS.

The following motions for summary judgment are pending. The Court will set a date for oral argument for both matters in mid- to late- April when all briefing is completed.

1. Debra Schaefer v. Ethicon, Inc., et al., BER-L-014578-14 (Fully briefed).
2. Marla Motyka v. Ethicon, Inc., et al., BER-L-1823-21, filed on 3/1/24, opposition due on 4/4/24, Replies due on 4/8/24.

V. 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.

VI. MISCELLANEOUS

The next case management conference will be held on **April 10, 2024** at 10:00 a.m. for liaison counsel only (via Telephone or Zoom) and at 11:00 a.m. for all counsel via telephone on the record; The Conference will be virtual or telephonic unless otherwise directed by Judge Padovano.



GREGG A. PADOVANO, J.S.C.

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