

RECEIVED and
FILED

JAN 02 2014

ATLANTIC COUNTY
LAW DIVISION

In re PELVIC MESH / GYNECARE
LITIGATION,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ATLANTIC COUNTY

CIVIL ACTION

Case No. 291 CT
Master Case 6341-10

Hon. Carol E. Higbee, P.J. Cv.

CASE MANAGEMENT ORDER NO. 11

Counsel for the parties having appeared for a case management conference on October 17, 2013, and a telephonic conference thereafter, and the parties having reached certain agreements, and the Court having considered the positions of counsel, and for the continued purpose of equitable, economic and expedient resolution of these cases:

IT IS ON THIS 2 day of January, 2014,

ORDERED as follows:

Confidentiality Designations of Deposition Transcripts:

1. Defendants' shall respond to Plaintiffs' challenges to designation of certain deposition testimony as "confidential", as set forth in Adam Slater's October 9, 2013 letter ("the October 9 letter") as follows:

- a. As to the 110 transcripts listed on pages 1 through 4 of the October 9 letter, Defendants shall respond as to ten depositions every ten business days, counting from October

17, 2013 in the order in which they are listed in the letter. The responses shall inform Plaintiffs which previously designated portions they continue to assert are confidential. Thereafter, the parties shall meet and confer within 10 days of each of the Defendants' responses regarding any remaining disputes regarding confidentiality designations.. If agreement cannot be reached, Defendants shall file a motion within 10 business days of the meet and confer to maintain the confidentiality of designations still in dispute or the disputed designations will be waived.

- b. For the 43 transcripts listed on pages 5 and 6 of the October 9 letter, Defendants shall, within 5 business days of October 17, 2013, confirm to Plaintiffs in writing for which transcripts no designations of confidentiality were made.
- c. For the 38 transcripts listed on the bottom of page 6 and page 7, Defendants shall, within two weeks of October 17, 2013, provide to Plaintiffs substantiation that Defendants disputed Plaintiffs' challenge of confidentiality designations within the time set forth in the Protective Order.. As to the transcripts for which Defendants make no such demonstration, that transcript shall be deemed de-designated in its entirety, and not be treated as confidential. As to the transcripts for which Defendants make the requested

demonstration, Defendants shall within 40 days of October 17, 2013 advise Plaintiffs in writing of the specific portions of the transcript over which Defendants continue to assert confidentiality. Thereafter, the parties shall meet and confer regarding any remaining disputes regarding confidentiality designations within those transcripts. If agreement cannot be reached, then Defendants must file a motion within 10 days to maintain the confidentiality of the designations still in dispute, or the disputed designations will be waived.

- d. As to depositions for which the time to assert the confidentiality designations had not run as of the date of the October 17, 2013 Case Management Conference, the time period set forth in paragraph 12 of the Protective Order for designations is extended for ten days unless the parties agree as to, or the Court orders, further extensions.
- e. The terms of this order regarding confidentiality designations apply only to deposition testimony.

TVT Discovery Pool and Trial:

2. The parties shall exchange their respective TVT case selections as follows:

- a. each side will identify 5 Plaintiffs who have been implanted with TVT Classic/Retropubic only, immediately if they have not already been provided;

b. On January 10, 2014, 7 Plaintiffs who have been implanted with TVT Secur only;

c. Thereafter on a date to be determined, 7 Plaintiffs who have been implanted with TVT Obturator only. The parties may agree to reduce the number of case selections for each product.

3. The next Case Management Conference shall be held on **January, 21, 2014 at 10:00 am**. In advance of that Conference, the parties shall submit to the Court a list of their case selections as well as written summaries of those selections explaining why each is representative of cases for that product which have been filed in these Coordinated Matters.

4. The first TVT trial shall involve only the TVT Classic/Retropubic product and shall commence on July 7, 2014.

5. The second TVT trial shall involve only the TVT Secur product and shall commence on October 27, 2014.

6. The parties shall continue to conduct discovery on the TVT Obturator cases selected for the discovery pool.

Updated Plaintiff Fact Sheet Protocol:

7. The parties shall continue to meet and confer regarding Defendants' proposed form of updated Plaintiff Fact Sheet protocol. If the parties are unable to reach resolution within one week, Defendants may request a telephonic conference with the Court.

Duplicative Case Filings:

8. Duplicative filing of complaints should be avoided as much as

possible. Prior to filing a complaint, Plaintiffs' counsel shall attempt to determine, to the extent reasonably possible, whether their client has already filed a pelvic mesh complaint in this or any other jurisdiction. Plaintiffs' Co-Liaison counsel shall remind all Plaintiffs' Counsel of Record in writing of the obligations set forth in this paragraph.

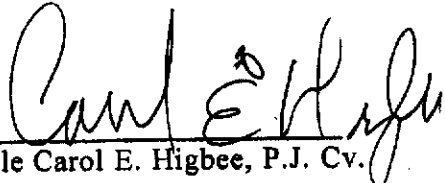
Miscellaneous Issues:

9. Defendants have proposed modifying the current protocols related to Short Form Answers and collection of medical records. The parties should continue to meet and confer on these issues in an attempt to reach a resolution before the next Case Management Conference.

10. Defendants were to provide to Plaintiffs by Wednesday, October 23, 2013 the Certification of Judi Gauld in connection with Plaintiffs' request for the deposition of a corporate designee related to the production of registries involving the products at issue in this litigation and if this has not been done it should be done immediately.

11. The parties are instructed to continue to meet and confer on the issues raised by Plaintiffs involving documents related to Professors Klinge and Klosterhalfen.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel of record within seven (7) days of the date hereof.


Honorable Carol E. Higbee, P.J. Cv.