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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 #112

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

FILED

JUN 26 2024

REGINA A. PANOVANO, J.S.O.

**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 June 26, 2024; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 26<sup>th</sup> day of June 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 Abbrevo (Percia) – Anticipated Fifth Amended Case Management Order to be submitted.
  - 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 22 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.**<sup>1</sup> The trial setting for the next trial in New Jersey is January 21, 2025. CMO 109 (Revised) governs these cases.

**III. ADDITIONAL CASES TO BE ACTIVATED**

**A. 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. Haskins, Wendy v. Ethicon, Inc., et al., BER-L-3173-24
2. Johnson, Tori v. Ethicon, Inc., et al., BER-L-3236-24
3. Shoop, Kimberly & Brian v. Ethicon, Inc., et al., BER-L-3377-24
4. Richmond, Summer & Melvin Valladares v. Ethicon, Inc., et al., BER-L-3377-24
5. Rathert, Stephane v. Ethicon, Inc., et al., BER-L-3276-24

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<sup>1</sup> 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>

6. Viramontes, Leonor v. Ethicon, Inc., et al., BER-L-3460-24

**B. Case(s) Requiring Reactivation:** The below case(s) are to be reactivated. An updated PFS shall be served by July 31, 2024. Records collection shall be reinstated 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. Should plaintiff(s) in fail to timely provide an updated PFS, Defendants may institute the motion practice protocol for such non-compliance.

1. Joy Rivers v. Ethicon, Inc., et al., BER-L-014354-14.

#### **IV. MOTIONS.**

Returnable 4/12/24:

1. Kandice Stotts v. Ethicon, Inc., et al., BER-L-7218-18, Defendants' Motion for Substitution of Proper Party, submitted on 3/13/24
  - (i) Plaintiff's Opposition filed on 4/4/24. Defendants' Reply was filed on 4/8/24. The parties seek guidance as to whether the Court will hear any argument and/or when the parties might expect a decision so as to avoid the need to engage in expert discovery pursuant to the applicable CMO, particularly in light of the additional motion filed in this case.

Returnable 6/20/24:

2. Evelyn Lee Bolin v. v. Ethicon, Inc., et al., BER-L-011965-14, Plaintiff's Motion to Withdraw as Counsel. Not opposed by Defendants

Returnable 7/5/2024:

3. Donna Brimhall, et als. v. Ethicon, Inc., et al., BER-L-015908-14, Defendants' Motion to Dismiss Without Prejudice for Failure to Provide PFS, filed on 6/16/24. Opposition due 6/27/24. Reply due 7/1/24.
4. Emma Blackmon, et als. v. Ethicon, Inc., et al., BER-L-010214-14, Defendants' Motion to Dismiss Without Prejudice for Failure to Provide PFS, filed on 6/16/24. Plaintiffs' counsel indicated via email on June 18, 2014, that they would not be opposing this motion.
5. Barbara J. Brown v. Ethicon, Inc., et al., BER-L-014373-14, Defendants' Motion to Dismiss Without Prejudice for Failure to Provide PFS, filed on 6/16/24. Plaintiffs' counsel indicated via

email on June 18, 2014, that they would not be opposing this motion.

6. Manal Awad v. Ethicon, Inc., et al., BER-L-005139-15, Defendants' Motion to Dismiss Without Prejudice for Failure to Provide PFS, filed on 6/13/24. Opposition due 6/27/24. Reply due 7/1/24.
7. Lisa Arrington v. Ethicon, Inc., et al., BER-L-013814-14, Defendants' Motion to Dismiss Without Prejudice for Failure to Provide PFS, filed on 6/7/24. Opposition due 6/27/24. Reply due 7/1/24.

Oral Argument Adjourned to Wednesday July 10, 2024 at 10:00 a.m.

8. Karen Johnson v. Ethicon, Inc., et al., BER-L-11247-14, Defendants' Motion for Summary Judgment, submitted on 3/29/24.
  - (i) Plaintiff's Opposition due on 5/28/24. Defendants' Reply due on 6/3/2024.

Returnable 7/19/2024:

9. Nancy J. James v. Ethicon, Inc., et al., BER-L-010973-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105, filed on 6/21/24. Opposition due 7/11/24. Reply due 7/15/24.
10. Debbie Lynn Bundy v. Ethicon, Inc., et al., BER-L-014240-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105. Opposition due 7/11/24. Reply due 7/15/24.
11. Cindy Ercink v. Ethicon, Inc., et al., BER-L-013814-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105. Opposition due 7/11/24. Reply due 7/15/24.
12. Maria and Agel Garcia v. Ethicon, Inc., et al., BER-L-013433-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105. Opposition due 7/11/24. Reply due 7/15/24.
13. Dorothy Lively v. Ethicon, Inc., et al., BER-L-011892-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105. Opposition due 7/11/24. Reply due 7/15/24.
14. Naomi Lomax v. Ethicon, Inc., et al., BER-L-010925-14, Defendants' Motion to Dismiss Without Prejudice for failure to

comply with CMO 105, filed on 6/24/24. Opposition due 7/11/24.  
Reply due 7/15/24.

15. Reba Morrison v. Ethicon, Incl, et al., BER-L-012365-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105, filed on 6/24/24. Opposition due 7/11/24. Reply due 7/15/24
16. Sarah Israel v. Ethicon, Inc., et al., BER-L-005137-15, Defendants' Motion to Dismiss Without Prejudice for Failure to comply with CMO 105, filed on 6/21/24. Opposition due 7/11/24. Reply due 7/15/24.
17. Kandice Stotts v. Ethicon, Inc., et al., BER-L-10973-14, Defendants' Motion to Dismiss For Failure to Substitute and to Stay Defendants' Expert Report Deadline, filed on 6/20/24. Opposition due 7/11/24. Reply due 7/15/24.
18. Lucinda Fuston v. Ethicon, Inc., et al., BER-L-003823-22, Defendants' Motion to Dismiss Without Prejudice for Failure to Comply with CMO 105, filed on 6/21/24. Opposition due 7/11/24. Reply due 7/15/24.
19. Kelly Hutchison, et al. v. Ethicon, Inc., et al., BER-L-013806-14, Defendants' Motion to For Summary Judgment based on Statute of Limitations filed on 6/15/24. Opposition Due 7/9/24. Reply Due 7/15/24.
20. Sattie Panday-Sharma v. Ethicon, Inc., et al., BER-L-017390-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105, filed on 6/25/24. Opposition due 7/11/24. Reply due 7/15/24.
21. Belinda Goins v. Ethicon, Inc., et al., BER-L-012996-14, Defendants' Motion to Substitute Estate for Deceased Plaintiff. Plaintiffs' counsel wrote on June 25, 2024 indicating that they do not oppose the motion.
22. Reyna Perales v. Ethicon, Inc., et al., BER-L-002235-23, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105, filed on 6/26/24. Opposition due 7/11/24. Reply due 7/15/24. Note that a separate application was submitted regarding request to dismiss based on prior order of withdrawal of counsel.
23. Alicia Foderingham-Harmono, et al., BER-L-011091-14, Defendants' Motion to Dismiss For Failure to Substitute and to Stay Defendants' Expert Report Deadline, filed on 6/25/24. Opposition due 7/11/24. Reply due 7/15/24.

24. Barbara Flowers v. Ethicon, Inc., et al., BER-L-003659--14, Defendants' Motion to Dismiss For Failure to Substitute and to Stay Defendants' Expert Report Deadline, filed on 6/25/24. Opposition due 7/11/24. Reply due 7/15/24.
25. Sheila Renee Shearouse v. Ethicon, Inc., et al., BER-L-015045-14, Defendants' Motion to Dismiss For Failure to Substitute and to Stay Defendants' Expert Report Deadline., filed on 6/25/24. Opposition due 7/11/24. Reply due 7/15/24.
26. Linda and Warren Deluge v. Ethicon, Inc., et al., BER-L-016084-14, Defendants' Motion to Dismiss For Failure to Substitute and to Stay Defendants' Expert Report Deadline, filed on 6/25/24. Opposition due 7/11/24. Reply due 7/15/24.
27. Patrician Diane Shoupes v. Ethicon, Inc., et al., BER-L-012634-14, Defendants' Motion to Dismiss Without Prejudice for failure to comply with CMO 105, filed on 6/25/24. Opposition due 7/11/24. Reply due 7/15/24.

#### 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 **July 30, 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.



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GREGG A. PADOVANO, J.S.C.