

FILED

AUG 01 2024

GREGG A. PADOVANO, J.S.C.  
SUPERIOR COURT OF NEW JERSEY

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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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LAW DIVISION: BERGEN COUNTY

CASE NO. 291

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

CIVIL ACTION

CASE

MANAGEMENT ORDER #113

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 July 30, 2024; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 15 day of AUGUST 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) – In mediation.
  - ii. TVT Exact (Gauldin). Defendants' Dispositive and Accutane Motions filed. No motions received from Plaintiffs. Oppositions to Defendants' motions due August 22, 2024 as per CMO 105.
  - iii. TVT Exact (Mays). Defendants' Dispositive and Accutane Motions filed. No motions received from

Plaintiffs. Oppositions to Defendants' motions due August 22, 2024 as per CMO 105.

- iv. TVT Exact (Snyder) ). Defendants' Dispositive and Accutane Motions filed. No motions received from Plaintiffs. Oppositions to Defendants' motions due August 22, 2024 as per CMO 105.
- v. TVT-Secur (Wilcox) ). Defendants' Dispositive and Accutane Motions filed. No motions received from Plaintiffs. Oppositions to Defendants' motions due August 22, 2024 as per CMO 105.

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 12 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

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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>

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. Mead, Judith v. Ethicon, Inc., et al., BER-L-3816-24
2. Mack, Selena v. Ethicon, Inc., et al., BER-L-4001-24
3. Carrillo, Kimberly v. Ethicon, Inc., et al., BER-L-4197-24
4. Bullington, Brenda v. Ethicon, Inc., et al., BER-L-4277-24

**All newly filed cases are considered active and must comply with the MCL protocols regarding service of PFS. The proper authorization forms currently can be found appended to the August 28, 2023 Order referenced in footnote 1, above.**

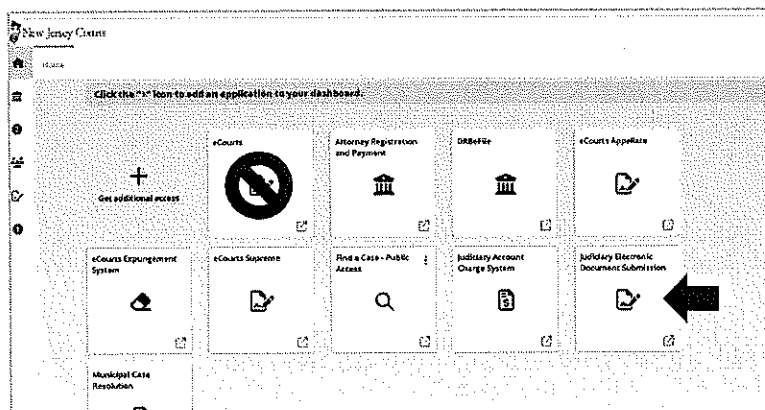
#### IV. MOTIONS.

The status of pending motions was reported to the Court via the agenda for the July 30, 2024, CMC. Regarding the two pending motions in Kandace Stotts v. Ethicon, Inc., et als., BER-L-7218-18, before the Court is a proposed Order that would resolve both motions. There is one word in dispute between the parties that the Court will resolve, but either way the August 5, 2024, deadline for Defendants to serve expert reports is moot and lifted, as are all further case management deadlines applicable to the case.

a.

#### V. FILINGS ON ECOURTS

All Counsel and parties to this MCL are reminded that this is a JEDS (Judiciary Electronic Document Submission) system litigation. Counsel are **not** to use eCourts to file pleadings and other documents. This MCL requires paper filing or filing through the JEDS submission system.



Any fees charged through an improper submission on eCourts will not be refunded. Please see CMO 96 regarding service and filing notifications. **Also, JEDS submission**

does not equate with service. Anything submitted via JEDS (or in paper format) must be served on all counsel of record separately in accordance with the Rules of Court and/or protocols in this MCL (unless counsel have consented to receive service via email only).

**VI. MISCELLANEOUS**

The next case management conference will be held on Thursday, **September 26, 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.

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