
**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 #14

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

**FILED
FEB 05 2015
BRIAN R. MARTINOTTI
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; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 5th day of February 2015, **ORDERED** as follows:

PART I

ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

1. N/A.

PART II

COMPLIANCE WITH PRIOR ORDERS

1. Case Management Order No. 13 entered January 6, 2015:

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- a. The parties met and conferred regarding a proposed discovery schedule, trial schedule, and case-specific discovery schedule. The parties have a fundamental disagreement about the manner in which the cases should proceed to trial.
- b. Counsel have been providing preferred email contact information to liaison counsel.
- c. Defendants requested an additional extension of time for the service of outstanding defense expert reports in TVT Retropubic Core Discovery Cases to January 30, 2015, with the exception of *Cantrell*.

PART III

CASE MANAGEMENT

1. The *Wicker* Trial
 - a. With respect to the *Wicker* case, all motions that were previously filed and, at the request of Judge Higbee, withdrawn, shall be re-filed in Bergen County by February 19, 2015.
 - b. All new issues or supplemental submissions shall be filed by February 19, 2015, and all replies shall be submitted by March 2, 2015.
 - c. The court will set a date for Oral Argument.
 - d. The court has set a tentative trial date of July 2015. Subject to the Court's availability, each subsequent case will be heard every two months thereafter.
2. TVT Retropubic Discovery and Trial
 - a. The parties shall meet and confer as to which TVT-R bellwether case or cases are to be included in the first TVT-R trial.

b. *Joyce Cantrell and Max Cantrell v. Ethicon, Inc., et al.* (Docket No. BER-L-11776-14)

i. This Court orders that the deposition of Dr. Robert Holley may continue.

Two hours will be allotted to Defense Counsel, and two hours will be allotted for Plaintiffs' Counsel.

ii. This deposition shall be completed within 30 days.

iii. Expert reports shall be served within two weeks of the deposition.

3. TVT Secur Discovery and Trial

a. A schedule for pre-trial motions shall be set at a later time.

b. The parties shall meet and confer as to which TVT-S case or cases are to be included in the first TVT-S trial.

4. TVT Obturator Bellwether Selection

a. Plaintiffs and Defendants shall meet and confer on a selection process for the TVT-Obturator ("TVT-O") bellwether cases and shall make their recommendations to the Court at the March 2015 case management conference.

5. The Court hereby vacates the Orders transferring the following cases to In re: Pelvic Mesh/Gynecare Litigation, Case No. 291 in Bergen County as neither case involves the products or alleged injuries that are subjects of the pelvic mesh litigation:

a. *Rita Buckley v. Johnson & Johnson, et al.* (Docket No. BER-L-19129-14)

b. *Jacky Dwane Pettigrew v. Johnson & Johnson, et al.* (Docket No. BER-L-19130-14)

6. Motions to Dismiss

- a. This Court GRANTS Defendants' request to reinstate the regularly scheduled motion practices (including expected pre-filing communications between liaison counsel) that pre-dated the transfer from Atlantic County to Bergen County. This procedure will cover the following Motions:
 - i. Motions to Dismiss for Failure to Provide PFS Without Prejudice
 - ii. Motions to Dismiss for Failure to Provide PFS With Prejudice
 - iii. Motions to dismiss for Misidentified products, and
 - iv. Motion to Dismiss cases involving foreign national plaintiffs.

PART IV

GENERAL:

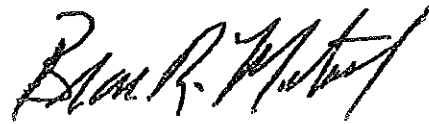
1. The next Case Management Conference is scheduled for March 18, 2015 at 1:30pm. Liaison Counsel shall report at 12:30pm. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.
3. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.
4. Subject to agreement by and between counsel and with permission from the Court, counsel is permitted to appear telephonically; in order to have your appearance on the record, it is counsel's responsibility to e-mail liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition you must confirm you

appearance, immediately following the proceeding. Absent the above, counsel's appearance will not be noted.

5. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.
6. Counsel is permitted to serve one motion with a schedule of attached cases for *pro hac* admission. However, a separate order per case/docket number and filing fees is required.
7. The Court directs all counsel to R.1:4-8 and expects all counsel to abide by the parameters set forth therein.
8. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Kelly Gibson at Kelly.Gibson@judiciary.state.nj.us and Yeon Ji Lee at Yeon-Ji.Lee@judiciary.state.nj.us.
10. Counsel shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.
11. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts:
P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey

08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.

12. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
13. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.

A handwritten signature in black ink, appearing to read "Brian R. Martinotti". The signature is written in a cursive, flowing style.

BRIAN R. MARTINOTTI, J.S.C.