

JAN 20 2016

**BRIAN R. MARTINOTTI**

J.S.C.

**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION: BERGEN COUNTY**

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**IN RE: PELVIC MESH/GYNECARE  
LITIGATION**

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**CASE NO. 291  
MASTER DOCKET NO.: BER-L-11575-14**

**CIVIL ACTION**

**CASE MANAGEMENT ORDER #24**

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; counsel appearing; for good cause shown and for the reasons set forth on the record;

**IT IS** on this 20<sup>th</sup> day of January 2016, **ORDERED** as follows:

**PART I**

**I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

- A. Case Management Order No. 23 entered on January 19, 2016.

**PART II**

**II. CASE MANAGEMENT**

- A. TVT Retropubic Core Discovery Cases
1. On December 23, 2015, the Court adjourned the Corbet trial without date.
  2. The trial in Watkins will begin on May 2, 2016. In the event that Watkins does not go forward, the Court will choose between Cantrell and a Plaintiffs pick and a Defense pick to be determined (of an on-the-market product).
    - a. The parties will submit a pre-trial order to Judge Harz by February 5, 2016.
- B. TVT Secur Core Discovery Cases

1. The parties will narrow the pool of potential cases for TVT Secur to two Plaintiffs' choices and two Defendants' choices by February 1, 2016.

C. TVT-O Core Discovery Cases

1. The parties will select from the current TVT-O pool of core discovery cases one Defense selection and one Plaintiff choice to be trial ready by May 2, 2016 in the event that Watkins does not go to trial on that date as per section II.A.2. The parties will meet and confer as to the schedule for the completion for the balance of the pool of TVT-O discovery cases.
2. Burton v. Ethicon (BER-L-12482-14) – Defendants' request to file a substantive motion to dismiss based on the status of the bankruptcy matter is granted. However, Defense counsel shall reach out to Plaintiff's counsel and inform them of this Court's decision in Velazquez and attempt to reach a resolution without need for motion practice

D. Miscellaneous

1. Mentor/ Ob-Tape Cases. Counsel will meet and confer regarding discovery in cases involving defendant Mentor and the Ob-Tape product and Plaintiffs' request to set a trial date and a pre-trial schedule for Mentor / Ob-Tape cases.
2. Counsel will meet and confer regarding a Bellwether Trial Pool for Multi-Product cases.
3. Adam Slater, Esq. has filed on his behalf and on behalf of others similarly situated a motion for a Common Benefit Fund in New Jersey. Opposition has been filed. Reply shall be filed within fourteen (14) days. The Court shall review same and speak with Judge Goodwin before scheduling oral argument. Mr. Slater will continue to meet and confer with members of the MDL Fee Committee in an attempt to resolve this issue.

**PART III**

**III. GENERAL:**

1. The next Case Management is scheduled for March 2, 2016 at 11:00 a.m. Liaison Counsel shall report at 8:30am. **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 Anna Celentano at [Anna.Celentano@judiciary.state.nj.us](mailto:Anna.Celentano@judiciary.state.nj.us) and Yeon Ji Lee at [Yeon-Ji.Lee@judiciary.state.nj.us](mailto: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.



BRIAN R. MARTINOTTI, J.S.C.