

**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 #35**

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

**FILED**

**FEB 28 2017**

**RACHELLE L. HARZ  
J.S.C.**

Order.

**THIS MATTER** having come before the Court or a Case Management Conference on January 26, 2017; and for good cause shown and for the reasons set forth on the record;

**IT IS** on this 28th day of February 2017, **ORDERED** as follows:

**PART I**

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

- A. Case Management Order #34 entered on February 1, 2017
- B. Gross v. Gynecare – Order Setting Attorneys' Fees entered on February 13, 2017
- C. Guillen v. Ethicon, Inc. – Order to Amend Complaint entered on February 14, 2017
- D. Holbrook v. Ethicon, Inc. – Order to Amend Complaint entered on February 13, 2017
- E. Langlois v. Ethicon, Inc. – Consent Order of Dismissal with Prejudice entered on February 7, 2017
- F. Lawson v. Ethicon, Inc. – Order to Amend Complaint entered on February 7, 2017
- G. Santoro v. Ethicon, Inc. – Consent Order to Dismiss with Prejudice entered on February 14, 2017

**PART II**

**II. COMPLIANCE WITH PRIOR ORDERS (REMAINING OUTSTANDING ITEMS ONLY)**

28  
30

- A. Case Management Order #34 entered on February 1, 2017
1. Briefing regarding the impact of the Gross Decision.
    1. Plaintiffs' filed their motion on February 7, 2017; Defendants' opposition is due March 7, 2017; Plaintiffs' reply is due March 24, 2017.
  2. Status of the parties' exchange of their selection of Ethicon Product Core Discovery Cases, the setting of parameters for the selection of cases, the submission of any disputes to the Court for disposition and establishing a discovery schedule for this next pool of cases.
    - (1) The parties will report on the status at the February 28, 2017 CMC.
  3. Settled Case Information
    1. The parties will report on the status at the February 28, 2017 CMC.
  4. Plaintiffs' Request to modify the Order regarding Defendants' communications with Plaintiffs' treating physicians as potential experts.
    1. The parties will report on the status at the February 28, 2017 CMC. Plaintiffs request that Defendants provide their position prior to the CMC so that the issue can be advanced in timely fashion.

### III. CASE MANAGEMENT

- A. TVT Secur Core Discovery Cases - Nelson and Sheppard
1. Nelson and Sheppard are now removed from the trial calendar.
- B. Ethicon Product Core Discovery Cases
1. Status of determining next pool of Ethicon Product Core Discovery Cases and establishing a discovery schedule.
    - (1) The Parties will meet and confer to discuss the selection of picks.
    - (2) The Parties will submit papers by March 7, 2017 if there are any issues with the selection of picks.
- C. Status of Plaintiffs' Request to modify Order regarding Defendants' communications with Plaintiffs' treating physicians as potential experts.

1. The Parties will continue to meet and confer on the status of Plaintiffs' Request to modify Order regarding Defendants' communications with Plaintiffs' treating physicians as potential experts.

D. Statute of Limitations Issues

1. On or before the next case management conference, the Parties will meet and confer about the potential to determine a mechanism to address the impact of the McCarrell Supreme Court decision on pending cases.

## PART IV

### IV. GENERAL

1. The next Case Management Conference is scheduled for March 30, 2017 at 11:00 a.m. in Room 359. Liaison Counsel shall report at 10:00 a.m. **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 your 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.: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 Jamie Colaneri at [Jamie.Colaneri@njcourts.gov](mailto:Jamie.Colaneri@njcourts.gov) and Sean Hanratty at [Sean.Hanratty@njcourts.gov](mailto:Sean.Hanratty@njcourts.gov).

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.

  
RACHELLE L. HARZ, J.S.C.