
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 #40

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

FILED

SEP 27 2017

RACHELLE L. HARZ
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 27th day of September 2017, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order #39, entered on August 2, 2017
- B. Amended Case Management Order #39, entered on August 8, 2017
- C. Adams v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017
- D. Applegate v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017
- E. Boyd v. Ethicon, Inc. – Order to Withdraw Pro Hac Admission, entered on August 10, 2017
- F. Bristow v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017
- G. Cherba v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017
- H. Domingue v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017

- I. Gibson v. Ethicon, Inc. – Order to Amend Complaint, entered on September 5, 2017
- J. Hargett v. Ethicon, Inc. – Order to Amend Complaint, entered on August 4, 2017
- K. Helton v. Ethicon, Inc. – Order to Amend Complaint, entered on August 4, 2017
- L. Hrymoc v. Ethicon, Inc. – Pre-Trial Scheduling Order, entered on August 4, 2017
- M. Hrymoc v. Ethicon, Inc. – Order Admitting to Practice Pro Hac Vice – William M. Gage, entered on September 8, 2017
- N. Hrymoc v. Ethicon, Inc. – Order Admitting to Practice Pro Hac Vice – Daniel R. Higginbotham, entered on September 8, 2017
- O. Pritchett v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017
- P. Reeves v. Ethicon, Inc. – Order to Amend Complaint, entered on August 29, 2017
- Q. Rivers v. Ethicon, Inc. – Order to Relieve Counsel, entered on August 15, 2017

II. COMPLIANCE WITH PRIOR ORDERS

- A. Amended Case Management Order #39 entered on August 8, 2017
 - 1. March 2017 Discovery Cases
 - a. The parties continue to work up the March 2017 Discovery Pool Cases and will report on the status during the September 27, 2017 CMC.

III. CASE MANAGEMENT

- A. March 2017 Discovery Cases
 - 1. Hrymoc 11/27 trial Pretrial Issues
 - a. Jury Questionnaires (Hardship and Long Form)
 - (i) PTO deadline for submission of agreed upon forms to Court is November 1, 2017, which will include a concise statement of the case to be used during jury selection
 - b. Scheduling hearings for pretrial motions
 - (i) PTO states that hearings are scheduled on October 30, 2017 or October 31, 2017. Argument will start at 10:00

a.m. on October 30, 2017. Argument will start at 9:00 a.m. on October 31, 2017.

- c. Scheduling hearings for deposition designation disputes
 - (i) PTO states that disputes are to be submitted to the Court on November 6, 2017, with the Court to have hearings beginning on November 6, 2017, continuing on November 8 and 9, 2017, if necessary.
 - d. Plaintiffs' request to permit plaintiffs in cases governed by New Jersey law, with Prolift and/or TVT-O implanted, to stipulate to be bound by the design defect verdict, and punitive damages liability verdict, in the Hrymoc case. This will allow multiple plaintiffs to obtain verdicts on liability based upon a single trial, and streamline the litigation. Defendants' will respond to Plaintiffs' request.
2. Status of Remaining Pool Cases
- a. Becker – Oral argument on motion to amend complaint will be scheduled.

PART IV

IV. GENERAL

1. The next Case Management Conference is scheduled for November 2, 2017 at 12:00 p.m. in Room 359. Liaison Counsel shall report at 10:30 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 and Sean Hanratty at 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.