
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 #41

FILED

JAN 25 2018

**RACHELLE L. HARZ
J.B.C.**

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 25th day of January 2018, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order #40, entered on September 27, 2017
- B. Cottle v. Ethicon, Inc. – Consent Order of Dismissal Without Prejudice, entered on January 2, 2018
- C. Cross v. Ethicon, Inc. – Order to Amend Complaint, entered on September 18, 2017
- D. Dorsey v. Ethicon, Inc. – Order to Amend Complaint, entered on November 3, 2017
- E. In Re: Gynecare Litigation – Order Admitting to Practice Pro Hac Vice – Lee B. Balesky, entered on November 6, 2017
- F. Harris v. Ethicon, Inc. – Consent Order of Dismissal Without Prejudice, entered on January 5, 2018
- G. Hrymoc v. Ethicon, Inc. – Order Extending Time to File Opposition and Reply to Defendants' Motion for Judgment Notwithstanding the Verdict, or Alternatively, for a New Trial, entered on January 10, 2018
- H. Hrymoc v. Ethicon, Inc. – Order Memorializing the Court's Rulings Placed on the Record on November 16, 2017, entered on November 28, 2017
- I. Hrymoc v. Ethicon, Inc. – Letter Order regarding official record, entered on November 27, 2017

- J. Hrymoc v. Ethicon, Inc. – Order Admitting to Practice Pro Hac Vice – Richard T. Bernardo, Esq., entered on October 11, 2017
- K. Hrymoc v. Ethicon, Inc. – Order Admitting to Practice Pro Hac Vice – Phillip J. Combs, Esq., entered on September 18, 2017
- L. Hrymoc v. Ethicon, Inc. – Order Admitting to Practice Pro Hac Vice – Jordan N. Walker, Esq., entered on September 18, 2017
- M. Pate v. Ethicon, Inc. – Order to Amend Complaint, entered on September 18, 2017
- N. Westerbeek v. Ethicon, Inc. – Consent Order of Dismissal Without Prejudice, entered on January 2, 2018
- O. Williams v. Ethicon, Inc. – Order to Amend Complaint, entered on September 18, 2017

II. COMPLIANCE WITH PRIOR ORDERS

- A. Case Management Order #40 entered on September 27, 2017

III. CASE MANAGEMENT

- A. March 2017 Discovery Cases
 - 1. Hrymoc Post-trial Issues
 - a. JNOV/New Trial Motion
 - i. Plaintiffs' Opposition due 1/25/18
 - ii. Defendants' Reply due 2/13/18
 - iii. Oral Argument date to be determined
 - 2. Issues with respect to Remaining Pool Cases
 - a. Burns – Outstanding discovery sent to Defendants and awaiting review
 - b. Becker – Oral argument on Motion to Amend complaint date to be determined
 - 3. Plaintiff will be requesting discovery regarding the withdrawal of the TVT line of products from Australia. At the next case management conference the Court will address defendants' request to work up TVT/TVT-O cases.
- B. Active Case Docket Status and Next Steps
 - Scheduling of next trial
 - a. Defense counsel shall provide within ten (10) days, two New York Prolift cases that can be tried simultaneous with Levin and Burns. Plaintiffs' liaison counsel will coordinate the cooperation of all plaintiff counsel to obtain necessary medical records in an expeditious manner. Discovery to be conducted expeditiously with necessary depositions to be conducted as soon as possible. The Court will determine at the next case management conference the proposed trial date for same.
 - b. Counsel for plaintiffs and defendants shall each provide to the Court, by February 26, 2018, ten (10) proposed New

Jersey law cases including a Prolift to move forward with core discovery for trial to be potentially conducted in October 2018.

C. Miscellaneous

1. Williams, Kimberly. Court will enter an order allowing plaintiff's Amended Complaint.

IV. GENERAL

1. The next Case Management Conference is scheduled for February 28, 2018 at 10:30 a.m. in Room 359. Liaison Counsel shall report at 9:30 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.