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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

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

CIVIL ACTION

CASE  
MANAGEMENT ORDER #42

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

**FILED**

**FEB 28 2018**

**RACHELLE L. HARZ**



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 28<sup>th</sup> day of February, 2018, **ORDERED** as follows:

- I. **ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**
  - A. Case Management Order #41, entered on January 25, 2018
  - B. In Re Pelvic Mesh/Gynecare Litigation, BER-L-11575-14 – Order Withdrawing *Nunc Pro Tunc* And Without Prejudice the *Pro Hac Vice* Admissions of the Attorneys Listed on Schedule "A", entered on February 8, 2018
  
- II. **COMPLIANCE WITH PRIOR ORDERS**
  - A. Case Management Order #41, entered on January 25, 2018
  
- III. **CASE MANAGEMENT**
  - A. March 2017 Discovery Cases
    1. Hrymoc Post-trial Issues
      - a. JNOV/New Trial Motion
        - i. Oral Argument date March 5, 2018 at 11:00 a.m.
    2. Issues with respect to Remaining Pool Cases
      - a. Becker – Oral argument on Motion to Amend complaint to be determined

- b. Schubert – Defense counsel will make a motion regarding dismissal of the case.
    - c. Burns – Plaintiff and Defendants’ will discuss additional discovery regarding social media posts and will report back on March 5, 2018.
  - 3. Defendants’ request to work up TVT/TVT-O cases from CMO#41
- B. Active Case Docket Status and Next Steps
  - Scheduling of next trial
    - i. Court to determine trial date for New York Prolift cases including Levin and Burns.
    - ii. Pretrial order for NY Prolift case work up.
    - iii. Plaintiffs and Defendants to submit to Court by March 30, 2018, ten 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
  - a. Caldera Medical, Inc.’s February 13, 2018 request for Court assistance enforcing Caldera settlement and dismissing Caldera from four remaining cases:
    - i. Blessing, Sheridan (BER-L-1857-15)
    - ii. McGill, Martha J. (BER-L-10943-14)
    - iii. Pattan, Michelle (BER-L-11750-14)
    - iv. Schroeder, Gloria (BER-L-15881-14)
  - b. Plaintiff counsel will not consent to dismissal of Caldera. Caldera’s counsel will file a motion to dismiss on notice to each individual plaintiff.

#### IV. GENERAL

1. The next Case Management Conference is scheduled for April 10, 2018 at 11:00 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](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.