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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 #43

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

**FILED**

**MAY 31 2018**

**RACHELLE L. HARZ**  
**J.S.G.**

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 31<sup>st</sup> day of May, 2018, **ORDERED** as follows:

- I. **ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**
- A. Case Management Order #42, entered on February 28, 2018
  - B. Elizabeth Hrymoc and Tadeuz Hrymoc v. Ethicon, Inc., et al., BER-L-13696-14 – Order denying Defendants' Motion for Judgment Notwithstanding the Verdict, or Alternatively, for a New Trial, entered on March 5, 2018
  - C. Christine Spooner Negus and John Negus v. Ethicon, Inc., et al., BER-L-15651-14 – Initial Pre-Trial Scheduling Order (PFS), entered on March 6, 2018
  - D. Janet Voight and Donald Voight v. Ethicon, Inc., et al., BER-L-13111-14 – Initial Pre-Trial Scheduling Order (PFS), entered on March 6, 2018
  - E. Heather R. Sheppard and Alphonso Sheppard v. Ethicon, Inc., et al., BER-L-13926-14 – Consent Order to Dismiss with Prejudice and Without Costs, entered on April 18, 2018

- F. In re: Pelvic Mesh/Gynecare Litigation, BER-L-11575-14 – Order extending discovery to December 31, 2018, entered on April 19, 2018
- G. In re: Pelvic Mesh/Gynecare Litigation, BER-L-11575-14 – Order Enforcing the Judgment and Bar Order in the Caldera Settlement and Dismissing Caldera with Prejudice from All Cases Listed on Schedule “A” With Prejudice, entered on April 27, 2018
- H. In re: Pelvic Mesh/Gynecare Litigation, BER-L-11575-14 – Scheduling Order pertaining to the Levin and Burns cases, as well as other product cases to be determined, entered on May 1, 2018
- I. Catherine Burns v. Ethicon, Inc., et al., BER-L-13723-14 – Order Granting the Motion for the Pro Hac Vice Admission of Sherry A. Knutson, Esq., entered on May 3, 2018
- J. Marci Levin and Robert Levin v. Ethicon, Inc., et al., BER-L-13705-14 – Order Granting the Motion for the Pro Hac Vice Admission of Sherry A. Knutson, Esq., entered on May 3, 2018
- K. Mary Dean v. Ethicon, Inc., et al., BER-L-17407-14 – Order Granting the Motion for Pro Hac Vice Admission of James M. Campbell, Esq., entered on May 3, 2018
- L. Catherine Burns v., Ethicon, Inc., et al., BER-L-13723-14 – Order Granting the Motion for Pro Hac Vice Admission of James M. Campbell, Esq., entered on May 3, 2018
- M. Marci Levin and Robert Levin v. Ethicon, Inc., et al., BER-L-13705-14 – Order Granting the Motion for Pro Hac Vice Admission of James M. Campbell, Esq., entered on May 3, 2018
- N. Sharris Spears v. Ethicon, Inc., et al., BER-L-17055-14 – Consent Order of Dismissal Without Prejudice as to This Docket Only, entered on May 11, 2018
- O. Helen Shaw v. Ethicon, Inc., et al., BER-L-16926-14 – Consent Order of Dismissal Without Prejudice as to This Docket Only, entered on May 11, 2018
- P. Nancy Meadow v. Ethicon, Inc., et al., BER-L-17095-14 – Consent Order of Dismissal Without Prejudice as to This Docket Only, entered on May 11, 2018
- Q. Lynne Schubert v. Ethicon, Inc., et al., BER-L-0398-15 – Order granting Aylstock, Witkin, Kreis & Overholtz, PLLC, along with Mazie Slater law

firm, leave to withdraw as counsel for the Plaintiff, Lynne Schubert, entered on May 11, 2018

- R. Mary Dean and Roy Dean v. Ethicon, Inc., et al., BER-L-17407-14 – Order granting Kline & Specter, PC leave to withdraw as counsel

## II. COMPLIANCE WITH PRIOR ORDERS

- A. Case Management Order #42 entered on February 28, 2018

## III. CASE MANAGEMENT

- A. Scheduling of next trial

1. Case Selection submission papers

- a. The court has received the parties' submissions and will issue a decision.

2. New York Plaintiff Cases involving a Prolift Product.

1. The court refers to its Order of May 1, 2018.

3. Plaintiffs' Case Selections.

1. The court refers to its Order of May 1, 2018.

- B. March 2017 Discovery Cases

1. Issues with respect to Remaining Pool Cases

- a. Becker – Oral argument on Motion to Amend complaint to be determined

- C. Miscellaneous

- a. Defendants provided Plaintiffs with Documents and a Declaration responding to Plaintiffs' Corporate Representative Deposition Notice and Request for Documents regarding TVT products. The parties will meet and confer.

- b. The parties will meet and confer on Plaintiffs' request for more frequent and detailed docket and settlement updates.

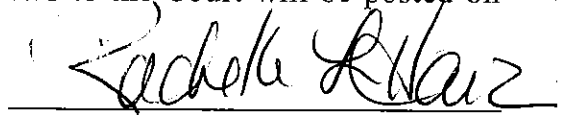
- c. The parties will meet and confer on Plaintiffs' request for corporate representative deposition regarding TVT/SUI research and development activities.

## IV. GENERAL

1. The next Case Management Conference is scheduled for June 25, 2018 at 3:00 p.m. in Room 359. Liaison Counsel shall report at 1:30 p.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.

A handwritten signature in cursive script, reading "Rachelle L. Harz", is written over a horizontal line.

RACHELLE L. HARZ, J.S.C.