

FILED

APR 27 2020

SUPERIOR COURT OF NEW JERSEY

RACHELLE L. HARZ

LAW DIVISION: BERGEN COUNTY

IN RE: PELVIC MESH/GYNECARE

LITIGATION

CASE NO. 291

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

CIVIL ACTION

CASE
MANAGEMENT ORDER #61

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 27th day of April, 2020, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order #60, entered March 5, 2020
- B. Miscellaneous Order regarding mixed manufacturer cases, entered March 5, 2020
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Second), entered on March 16, 2020
- D. Ellen Cappelli v. Ethicon, Inc., BER-L-769-19, Consent Order of Dismissal Without Prejudice, entered on March 20, 2020
- E. Julie Delcambre v. Ethicon, Inc., BER-L-2814-19, Consent Order of Dismissal Without Prejudice, entered on March 20, 2020
- F. Linda Savory v. Ethicon, Inc., BER-L-744-19, Consent Order of Dismissal Without Prejudice, entered on March 20, 2020
- G. Zelda James-Mitulinski v. Ethicon, Inc., BER-L-777-19, Consent Order of Dismissal Without Prejudice, entered on March 20, 2020

- H. Tracy Thomas v. Ethicon, Inc., BER-L-8977-18, Consent Order of Dismissal Without Prejudice, entered on March 20, 2020
- I. Order extending discovery end date, entered March 24, 2020
- J. Patricia Thomas v. Ethicon, Inc., BER-L-5033-17, Consent Order of Dismissal With Prejudice, entered on March 24, 2020
- K. Cherrye Lynch v. Ethicon Inc., BER-L-13439-14, Consent Order of Dismissal With Prejudice, entered on March 24, 2020
- L. Debra Burkert v. Ethicon, Inc., BER-L-113303-14, Consent Order of Dismissal with Prejudice, entered on March 24, 2020
- M. Judy A. Romano v. Ethicon, Inc., BER-L-14034-14, Consent Order of Dismissal Without Prejudice as to Ethicon Only, entered on March 27, 2020
- N. Melinda Simon v. Ethicon, Inc., BER-L-4035-19, Consent Order of Dismissal Without Prejudice, entered on April 7, 2020 Kimberly Williams v. Ethicon, Inc., Consent Order of Dismissal with Prejudice as to Ethicon Defendants only, entered April 9, 2020
- O. Linda Gail Abbott v. Ethicon, Inc., BER-L-13414-14, Stipulation of Dismissal with Prejudice as to Plaintiff Brent Brown, entered on April 22, 2020.
- P. In re Pelvic Mesh/ Gynecare, Omnibus Dismissal with Prejudice Order No. 5, entered April 22, 2020.
- Q. In re Pelvic Mesh/ Gynecare, Omnibus Order of Dismissals without Prejudice (Nagel), entered April 22, 2020
- R. In re Pelvic Mesh/ Gynecare, TVT-O Pre-trial Scheduling Order (Sixth Amended) (Farnsworth), entered April 22, 2020

II. COMPLIANCE WITH PRIOR ORDERS

- A. TVT-O Pre-Trial Scheduling Order (Fifth Amended), entered on December 19, 2019 (superseded by TVT-O Pre-trial Scheduling Order (Sixth Amended) (Farnsworth), entered April 22, 2020).
- B. Case Management Order No. 60, entered March 5, 2020.
- C. Miscellaneous Order regarding mixed manufacturer cases, entered March 5, 2020
- D. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Second), entered March 16, 2020.

III. CASE MANAGEMENT

- A. Status of the TVT-O cases the Court has selected for a October 26, 2020 trial date:

1. Farnsworth, Cheri Lynn & Leland, (BER-L-014433-14), Hecht Kleeger and Oshman & Mirisola. The court has adjourned the trial for this case until the October 26, 2020 trial setting. A revised form of pretrial order was entered on April 22, 2020.

B. Status of remaining single product TVT retropublic cases for discovery pool for a January 2021 trial date:

1. The following cases shall be removed from the discovery pool:

9	Delcambre, Julie ¹	Schroeder Law Office	BER-L-002814-19
13	Thomas, Tracy	Schroeder Law Office	BER-L-008977-18
15	James-Mitulinski, Zelda	Schroeder Law Office	BER-L-000777-19
16	Goerdts, Robyn & Christopher ²	Kline & Specter	BER-L-015888-14
21	Cappelli, Ellen	Schroeder Law Office	BER-L-000769-19
23	Simon, Melinda ³	Schroeder Law Office	BER-L-004035-19
27	Savory, Linda	Schroeder Law Office	BER-L-000744-19
30	Romano, Judy A. & Frank ⁴	Cohen, Placitella & Roth; Flint & Associates	BER-L-014034-14

2. There remain 18 Cases in the pool as of this date. Retaining their original selection order number, these are:

3	Aboughazale, Jean	Kline & Specter	BER-L-004642-18
4	Brown, Rhonda & Mark	Oshman & Mirisola	BER-L-011572-14
6	Phillips, Helen D. & Philip J.	Weitz & Luxenberg	BER-L-011522-14
7	Jones, Pamela	Kline & Specter	BER-L-

¹ This matter, along with Thomas, James-Mitulinski, Capelli, and Savory, were dismissed without prejudice by orders dated March 20, 2020.

² This matter does not appear to involve a product manufactured by Ethicon and Defendants filed a motion to dismiss on April 1, 2020, which is returnable April 24, 2020..

³ A Consent Order of Dismissal was entered on April 7, 2020.

⁴ A Consent Order of Dismissal as to the Ethicon Defendants only was entered on March 27, 2020. Notably, as a case also involving products from other manufacturers, the case should not have been eligible for the pool in the first place.

			004650-18
8	Bachmann-Hoff, Irene O. & Frederick D. Hoff	Kline & Specter	BER-L-000192-16
11	Steadman, Teresa & Jimmy	Oshman & Mirisola	BER-L-011516-14
12	Nemcek, Madeline & Richard	Oshman & Mirisola	BER-L-012359-14
14	Beasley, Cathy & Timothy Blake	Kline & Specter	BER-L-004644-18
17	Mohr, June	Girardi Keese; Seeger Weiss	BER-L-012791-14
18	Cragan, Janet S. & Lester H., III	Kline & Specter	BER-L-005206-18
19	Spears, Phyllis Carol & Joseph	Kline & Specter	BER-L-004542-16
20	Sturgeon, Rochelle	Girardi Keese; Seeger Weiss	BER-L-012973-14
22	Reynolds, Marilyn & Walter, Jr.	Oshman & Mirisola	BER-L-014620-14
24	Viers, Cindy	Kline & Specter	BER-L-016313-14
25	Dierdorff, Tracy Yvette & Jeffrey L.	Hecht Kleeger; Oshman & Mirisola	BER-L-012441-14
26	Bozyone, Linda & Michael	Weitz & Luxenberg	BER-L-011544-14
28	Ailstock, Tameria	Kline & Specter	BER-L-005676-18
29	Barker, Vivian & Kevin	Kline & Specter	BER-L-005204-18

3. The Court has adjourned the October 26, 2020 trial setting and reset the trial date for January 11, 2021. A revised pretrial schedule order will be submitted to the Court for entry.

IV. MISCELLANEOUS

- A. Compliance with Miscellaneous Order regarding mixed manufacturer cases, entered March 5, 2020 and status of mixed manufacturer cases.

The parties are to identify a primary counsel contact for each of the non-Ethicon manufacturers with active cases pending on this MCL docket, and the parties are to meet and confer with Plaintiffs' Liaison counsel Adam Slater, Defense Liaison Counsel Kelly Crawford, and the identified defense counsel contact for each other manufacturer regarding a proposed case management order relating to the steps towards being potential discovery pools of cases involving manufacturers other than Ethicon.

Rachelle Harz
RACHELLE L. HARZ, J.S.C.

Dated 4/27/2020