

**JUL 31 2020**

**RACHELLE L. HARZ  
JUDGE**

**SUPERIOR COURT OF NEW JERSEY**

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**IN RE: PELVIC MESH/GYNECARE  
LITIGATION**

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**LAW DIVISION: BERGEN COUNTY**

**CASE NO. 291**

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

**CIVIL ACTION**

**CASE**

**MANAGEMENT ORDER #62**

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 31<sup>st</sup> day of July, 2020, **ORDERED** as follows:

**I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

- A. Case Management Order #61, entered April 27, 2020
- B. Karla B. Nelson, et al. v. Ethicon, Inc., et al., BER-L-11114-14, Order of Dismissal with Prejudice, entered April 29, 2020
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Third), entered May 11, 2020
- D. Karen Lee King, et al. v. Ethicon, Inc., et al., BER-L-012709-24, Consent Order of Dismissal with Prejudice, entered May 12, 2020
- E. Theresa Mills, et al. v. Ethicon, Inc., et al., BER-L-013906-14, Consent Order of Dismissal Without Prejudice As to This Docket Only, entered May 13, 2020
- F. Sharon Newsome, et al. v. Ethicon, Inc., et al., BER-L-015320-14, Consent Order of Dismissal with Prejudice, entered May 13, 2020
- G. Omnibus Order (6) of Dismissals with Prejudice, entered May 27, 2020
- H. Omnibus Order (7) of Dismissals with Prejudice, entered May 27, 2020

- I. MSKF – Order of Dismissal with Prejudice No. 1, entered May 29, 2020
- J. Judy Haddon v. Ethicon, Inc., et al., BER-L-003309-20, Order of Dismissal with Prejudice, entered June 9, 2020
- K. Omnibus Order (8) of Dismissals with Prejudice, entered June 10, 2020
- L. Connie Richardson v. Ethicon, Inc., et al., BER-L-17167-14, Consent Order of Dismissal without Prejudice As to This Docket Only, entered June 18, 2020
- M. Cathy Beasley, et al. v. Ethicon, Inc., et al., BER-L-004644-18, Order Granting The Motion for the *Pro Hac Vice* Admission of Anita Modak-Truran, Esq., entered on June 23, 2020
- N. Robyn Goerd, et al. v. Ethicon, Inc., et al., BER-L-015888-14, Order Dismissing Plaintiffs’ Complaint with Prejudice for Failure to Provide Product Identification, entered June 26, 2020
- O. Maria Christina Gonzalez-Torres, et al. v. Ethicon, Inc., et al., BER-L-18669-19, Order Denying Defendants’ Motion to Dismiss Plaintiffs’ Complaint, entered June 26, 2020
- P. Phyllis Carol Spears, et al. v. Ethicon, Inc., et al., BER-L-4542-16, Order for Commission for Issuance of Subpoena *Ad Testificandum* to Dennis Factor, M.D. in the State of Texas, and Commission for Issuance of Subpoena *Duces Tecum* to Dennis Factor, M.D., in the State of Texas, entered June 26, 2020
- Q. Phyllis Carol Spears, et al. v. Ethicon, Inc., et al., BER-L-4542-16, Order for Commission for Issuance of Subpoena *Ad Testificandum* to Mark Norris, M.D. in the State of Texas, and Commission for Issuance of Subpoena *Duces Tecum* to Mark Norris, M.D., in the State of Texas, entered June 26, 2020
- R. Tracy Yvette Dierdorff, et al. v. Ethicon, Inc., et al., BER-L-012441-14, Consent Order of Dismissal with Prejudice, entered July 6, 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 #61, entered April 27, 2020
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Third), entered May 11, 2020

### III. CASE MANAGEMENT

A. The TVT-O case the Court had selected for a October 19, 2020, trial date will not proceed to trial on that date due to COVID-related complications. The Court will reassess the status at the next case management conference and, at that time, if appropriate, will set a new trial date from which the parties will prepare a revised pretrial scheduling Order. The case remaining in this pool is:

1. Farnsworth, Cheri Lynn & Leland, (BER-L-014433-14), Hecht Kleeger and Oshman & Mirisola.

B. The remaining single product TVT retropublic case discovery pool will no longer have a January 11, 2021, trial date due to COVID-related complications. The Court will reassess the status of the cases at the next case management conference and at that time, if appropriate will set a new trial date from which the parties will prepare a revised pretrial scheduling Order. The parties shall note that this necessarily means that all remaining dates in the current pretrial scheduling order will need to be extended at least a month if not more.

1. The following cases have removed from the discovery pool:

6	Phillips, Helen D. & Philip J. <sup>1</sup>	Weitz & Luxenberg	BER-L-011522-14
9	Delcambre, Julie <sup>2</sup>	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 <sup>3</sup>	Kline & Specter	BER-L-015888-14
21	Cappelli, Ellen	Schroeder Law Office	BER-L-000769-19
23	Simon, Melinda <sup>4</sup>	Schroeder Law Office	BER-L-004035-19
25	Dierdorff, Tracy Yvette & Jeffrey L. <sup>5</sup>	Hecht Kleeger; Oshman & Mirisola	BER-L-012441-14

<sup>1</sup> This case was removed from the discovery pool on July 29, 2020, upon joint request of the parties.

<sup>2</sup> This matter, along with Thomas, James-Mitulinski, Capelli, and Savory, were dismissed without prejudice by orders dated March 20, 2020.

<sup>3</sup> An Order Dismissing Plaintiffs' Complaint was entered on June 26, 2020.

<sup>4</sup> A Consent Order of Dismissal was entered on April 7, 2020.

<sup>5</sup> A Consent Order of Dismissal was entered on July 6, 2020.

26	Bozyone, Linda & Michael <sup>6</sup>	Weitz & Luxenberg	BER-L-011544-14
27	Savory, Linda	Schroeder Law Office	BER-L-000744-19
30	Romano, Judy A. & Frank <sup>7</sup>	Cohen, Placitella & Roth; Flint & Associates	BER-L-014034-14

2. There remain 15 Cases in the pool as of this date. Retaining their original selection order number, these are:

3	Aboughazale, Jean <sup>8</sup>	Kline & Specter	BER-L-004642-18
4	Brown, Rhonda & Mark	Oshman & Mirisola	BER-L-011572-14
7	Jones, Pamela	Kline & Specter	BER-L-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
28	Ailstock, Tameria	Kline & Specter	BER-L-005676-18

<sup>6</sup> This case was removed from the discovery pool on July 29, 2020, upon joint request of the parties.

<sup>7</sup> 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.

<sup>8</sup> On July 22, 2020, Defendants filed a motion for summary judgment based on statute of limitations in this case.

- C. The Status of Mixed Manufacturer Cases is as follows.
1. The parties are working together to create an agreed upon Protective Order, ESI Protocol, PFS and DFS that can be used only in the mixed manufacturer cases. To the extent that there are any disputes regarding these documents that cannot be resolved among the parties, the parties will bring those issues to the Court's attention.
  2. The parties are working together to compile an accurate list of cases in which at least one defendant is still active (meaning that the case is not part of a resolution agreement), and shall provide an accurate master list of such cases to the Court.

#### IV. MISCELLANEOUS

The next case management conference will be held on September 16, 2020, at 1:30 pm for liaison counsel only and at 2:00 pm for all counsel on the record.

  
RACHELLE E. HARZ, J.S.C.