

FILED
OCT 30 2020
RACHELLE L. HARTY
J.S.C.

**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 #64**

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 29th day of October, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order #63, entered September 16, 2020.
- B. TVT-O Pre-Trial Scheduling Order (Seventh Amended), entered on September 29, 2020.
- C. Veronica Peterson, et al. v. Ethicon, Inc., BER-L-1011-20, Consent Order Granting Plaintiffs Leave to Amend Short Form Complaint, entered on September 16, 2020.
- D. Order Withdrawing Appearance of Anne-Marie Brockland, Esq. *Pro Hac Vice*, entered on September 16, 2020.
- E. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Fourth), entered on September 24, 2020.
- F. Order Approving Qualified Settlement Fund (All cases represented by Bernstein Liebhard LLP), entered on September 24, 2020.
- G. Madeline Harmon v. Ethicon, Inc., BER-L-9038-18, Order granting Plaintiff’s motion to amend complaint, entered on September 24, 2020.

- H. Teresa Steadman v. Ethicon, Inc., BER-L-11516-14, Consent Order regarding briefing schedule and standing issue relating to Defendants' Motion for Summary Judgment based on (1) statute of limitations; (2) lack of standing; and (3) judicial estoppel, entered on September 24, 2020.
- I. Miriam Rivera Aviles, et al. v. Ethicon, Inc., BER-L-4157-20, Consent Order dismissing case with prejudice, entered September 29, 2020.
- J. Yolanda Maria Bradfield v. Ethicon, Inc., BER-L-11643-14, Consent Order dismissing case with prejudice, entered October 6, 2020.
- K. Margaret Valenti-Acosta v. CR Bard, et al., BER-L-17965-14, Order granting Plaintiff's motion to reinstate case, entered October 13, 2020.
- L. Marilyn Reynolds, et al. v. Ethicon, Inc., BER-L-14620-14, Consent Order dismissing case with prejudice, entered October 14, 2020.
- M. Omnibus Order (13) of Dismissals with Prejudice, entered October 10, 2020.
- N. Omnibus Order (14) of Dismissals with Prejudice, entered October 10, 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 (Seventh Amended) (Farnsworth), entered September 29, 2020).
- B. Case Management Order #63, entered September 16, 2020
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Fourth), entered September 24, 2020.

III. CASE MANAGEMENT

- A. Status of the TVT-O cases the Court previously selected for an October 19, 2020 trial date:
 - 1. Farnsworth, Cheri Lynn & Leland, (BER-L-014433-14), Hecht Kleeger and Oshman & Mirisola. The Court has adjourned the trial scheduled for this case due to COVID-related circumstances.
- B. Status of remaining single product TVT retropubic cases for discovery pool, previously slated for a January 11, 2021 trial date:
 - 1. There remain 14 Cases in the pool as of this date. Retaining their original selection order number, these are:

3	Aboughazale, Jean ¹	Kline & Specter	BER-L-004642-18
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¹ Motion for Summary Judgment based on Statute of limitations pending, fully briefed, and oral argument held.

4	Brown, Rhonda & Mark ²	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 ³	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 ⁴	Kline & Specter	BER-L-004542-16
20	Sturgeon, Rochelle ⁵	Girardi Keese; Seeger Weiss	BER-L-012973-14
24	Viers, Cindy	Kline & Specter	BER-L-016313-14
28	Ailstock, Tameria	Kline & Specter	BER-L-005676-18
29	Barker, Vivian & Kevin	Kline & Specter	BER-L-005204-18

2. Sturgeon. Removal of case from discovery pool because it does not satisfy pool criteria in that it involves TVT and Gynemesh PS and also it appears that her mesh erosion was Gynemesh PS since it occurred at the site of the apex, which technically renders it a no revision case as to the TVT. Parties will meet and confer and provide the court with an update on whether this Plaintiff should be removed from the TVT retropublic discovery pool.

C. Status of mixed-manufacturer cases. Parties will meet and confer and provide the court with an update on number of mixed-manufacturer cases.

² Motion for Summary Judgment filed. Parties will meet and confer and provide the court with a revised briefing schedule accounting for deposition of Dr. Rast.

³ Motion for Summary Judgment based on Statute of Limitations and Bankruptcy Judicial Estoppel filed with briefing schedule set forth in Consent Order dated 9/24/2020. Parties will meet and confer and provide the court with a revised briefing schedule.

⁴ Motion for Summary Judgment anticipated to be filed.

⁵ Motion for Summary Judgment anticipated to be filed.

- D. Next pool of cases to be prepared for trial. Parties will meet and confer and provide the court with information and data to determine next pool of cases. This should include data on how many cases are still active for each of the sixteen (16) products in this litigation.
- E. Dismissal of Eneida Lopez, et al. v. Ethicon, Inc., et al., BER-L-626-18, duplicate claims filed in the MDL, Eneida Lopez v. Ethicon, Inc., et al., Case No. 2:17-cv-01669, Wave 11. The MDL matter is, or shortly will be, remanded to the Eastern District of Pennsylvania.
- F. Karen E. Bass-Brubaker v. Ethicon, Inc., et al., BER-L-019577-14. Dual filed case now resolved and court will enter 5-day Order dismissing case with prejudice.
- G. Entry of protocol for posting on MCL website to remind attorneys that MCL is a specialized caseload not governed by the normal Law Division practices and any questions about case management should be directed to Jamie Colaneri and her team and not the Law Division clerks.

Jamie Colaneri
Court Services Supervisor 2
Law Division- Team #3
Mass Tort
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IV. MISCELLANEOUS

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



RACHELLE L. HARZ, J.S.C.