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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 #65**

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 11<sup>th</sup> day of December, **ORDERED** as follows:

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

- A. Case Management Order #64, entered October 30, 2020
- B. Stephanie Ellen Helms v. Ethicon, Inc., et al., BER-L-014143-14, Order granting Motion to Withdraw as Counsel, and dismissing the matter with prejudice as to Plaintiff Stephanie Ellen Helms, entered October 30, 2020
- C. Eneida Lopez, et al. v. Ethicon, Inc., et al. BER-L-00626-18, Consent Order of Dismissal with Prejudice, entered October 20, 2020
- D. Maria Cristina Gonzalez-Torres, et al. v. Ethicon, Inc., et al., BER-L-8669-19, Notice and Request to Stay, entered November 12, 2020
- E. Kristen Gillette, et al. v. Ethicon, Inc., et al., BER-L-5550-20, Specimen Release Order, entered November 12, 2020
- F. Phyllis Woodard, et al. v. Ethicon, Inc., et al., BER-L-5941-20, Specimen Release Order, entered November 12, 2020

- G. Notice and Request to Stay Regarding Certain TVT Discovery Pool Cases, entered November 12, 2020
- H. Rochelle, Sturgeon v. Ethicon, Inc., et al., BER-L-12973-14, Order Removing Case from TVT Discovery Pool Cases, entered on November 16, 2020
- I. Omnibus Order (15) of Dismissals with Prejudice, entered on November 16, 2020
- J. Omnibus Order (16) of Dismissals with Prejudice, entered on November 16, 2020
- K. Kelly Peterson v. Ethicon, Inc., et al.; Case No. 291, Master Docket No. BER-L-11575-14 (former case Case No. ATL-L-11762-11) Consent Order of Dismissal with Prejudice, entered on November 30, 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- A. TVT-O Pre-Trial Scheduling Order (Fifth Amended), entered on December 19, 2019 (superseded by TVT-O Pre-trial Scheduling Order (Seventh Amended) (Farnsworth), entered September 29, 2020). The parties will meet and confer to prepare a revised Scheduling Order (Eighth Amended).
- B. Case Management Order #63, entered September 16, 2020
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Fourth), entered September 24, 2020. The parties will meet and confer to prepare a revised Scheduling Order (Fifth Amended).

## 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. The parties will meet and confer to prepare a revised Scheduling Order (Eighth Amended).
- B. Status of remaining single product TVT retropublic cases for discovery pool, previously slated for a January 11, 2021 trial date:
  - 1. There remain 4 Cases in the pool as of this date. Retaining their original selection order number, these are:

4	Brown, Rhonda & Mark <sup>1</sup>	Oshman & Mirisola	BER-L-011572-14
11	Steadman, Teresa & Jimmy <sup>2</sup>	Oshman & Mirisola	BER-L-011516-14
12	Nemcek, Madeline & Richard	Oshman & Mirisola	BER-L-012359-14
17	Mohr, June	Girardi Keese <sup>3</sup> ; Seeger Weiss	BER-L-012791-14

2. The parties will meet and confer to prepare a revised Scheduling Order (Fifth Amended).
- C. Status of mixed-manufacturer cases.
1. The parties will meet and confer regarding the controlling documents (e.g. PFS, DFS, ESI, protective order) for the mixed-manufacturer cases. If the parties cannot agree on same, the discrepancies will be submitted to the court, on or around January 11, 2021, for determination by the court.
  2. The parties also will meet and confer to provide the Court with a spreadsheet identifying the mixed-manufacturer cases and the status of each case prior to the next case management conference.
- D. Status of updated list of active cases not subject to MSA for purposes of selecting future discovery pools will be provided to the court by the next case management conference.
- E. Selection of additional discovery pools. The parties will meet and confer to determine the number of additional discovery pools. There will be no determination at this time as to which discovery pool cases will be tried in any particular order.
- F. *Pro hac vice* clean up. Defense counsel will be submitting various applications to terminate *pro hac vice* admissions *nunc pro tunc*.

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<sup>1</sup> Motion for Summary Judgment based on Statute of Limitations pending. Opposition had been due on 10/20/2020 and Reply due on 10/26/2020, but Plaintiff's counsel took the position that the deposition of Dr. Rast was needed before he could file opposition papers to the motion. The Court granted the request and the parties thereafter agreed that Plaintiff would file opposition to the motion within three weeks of the completion of Dr. Rast's deposition and Defendants; reply would be due three weeks following the filing of Plaintiffs' opposition.

<sup>2</sup> Motion for Summary Judgment based on Statute of Limitations and Bankruptcy Judicial Estoppel filed with a briefing schedule that had been set forth in Consent Order dated 9/24/2020. Thereafter, the bankruptcy trustee, Henry J. Applewhite, advised that he filed a motion on November 23, 2020, to reopen the bankruptcy. The bankruptcy case has been reopened as of December 9, 2020. The parties intend to submit a revised order to the Court to incorporate these timelines into a new briefing schedule.

<sup>3</sup> The court has been advised that there will be a substitution of counsel for Girardi Keese.

**IV. MISCELLANEOUS**

The next case management conference will be held on January 21, 2021 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.