
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

FILED
JAN 22 2021
RACHEL L. HARZ
J.S.C.

CIVIL ACTION

**CASE
MANAGEMENT ORDER #66**

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 22nd day of January, 2021, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Case Management Order #65, entered December 11, 2020
- B. Omnibus Order (17) of Dismissals with Prejudice, entered on January 4, 2021.

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- A. TVT-O Pre-Trial Scheduling Order (Fifth Amended), entered on December 19, 2019 (superseded by TVT-O Pre-trial Scheduling Order (Seventh Amended) (Farnsworth), entered September 29, 2020). The Order is out of date and the parties were to meet and confer to generate a revised Scheduling Order (Eighth Amended) as soon as feasible once the plaintiff's planned surgery was firmly scheduled.
- B. Case Management Order #65, entered December 11, 2020
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Fourth), entered September 24, 2020. The Order is out of date and the parties were to meet and confer to generate a revised Scheduling Order (Fifth Amended) as soon as feasible once certain case-specific issues could be resolved.

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) as soon as feasible once the plaintiff's planned surgery was firmly scheduled.

B. Status of remaining single product TVT retropubic 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 ¹	Oshman & Mirisola	BER-L-011572-14
11	Steadman, Teresa & Jimmy ²	Oshman & Mirisola	BER-L-011516-14
12	Nemcek, Madeline & Richard	Oshman & Mirisola	BER-L-012359-14
17	Mohr, June	Girardi Keese ³ ; Seeger Weiss	BER-L-012791-14

2. The current scheduling order is out of date and the parties will meet and confer to prepare a revised Scheduling Order (Fifth Amended) as soon as feasible once certain case-specific issues are resolved.

C. Status of mixed-manufacturer cases.

1. The parties have met and conferred regarding the controlling documents (e.g. PFS, DFS, ESI, protective order) for the mixed-

¹ 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. Dr. Rast has yet to be deposed. Defendants intend on filing a Letter regarding their position on proceeding with briefing the case notwithstanding Dr. Rast's deposition. Plaintiffs will respond in one week.

² 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.

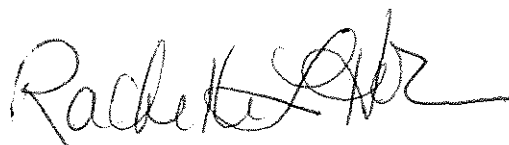
³ The court has been advised that there are issues with proceeding with this case concerning the Girardi Keese law firm and the parties will keep the Court apprised of the status.

manufacturer cases. The parties were to submit any disputes or discrepancies to the court on or around January 11, 2021, but the parties are pleased to report that they believe that have been able to agree to the forms of all documents. The parties will submit separate standing orders to the Court regarding protocols for controlling documents.

2. The parties have met and conferred and believe that they have a work product to share with the Court that provides an overview spreadsheet identifying the mixed-manufacturer cases.
- D. The parties reported that they expect to have a work product to share with the Court prior to the next case management conference regarding the updated list of active cases not subject to MSA for purposes of selecting future discovery pools..
- E. Defendants reported to the Court that there is an increasing number of recently filed cases in which the Plaintiffs have served severely deficient PFS (missing information; unanswered questions). The Court will entertain an order reminding all counsel of their obligation to fully comply with all standing orders, including the requirement for fully complete PFS forms.

IV. MISCELLANEOUS

The next case management conference will be held on March 4, 2021 at 11:00 am for liaison counsel only and at 11:30 am for all counsel on the record.



RACHELLE L. HARZ, J.S.C.