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

FILED
APR 15 2021
BERGEN COUNTY
ROSE ELLE L. HARZ
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
CASE NO. 291
MASTER DOCKET NO.: BER-L-11575-14

CIVIL ACTION

**CASE
MANAGEMENT ORDER #69**

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 15th day of April, 2021, **ORDERED** as follows:

I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

- A. Omnibus Order of Dismissals Without Prejudice, entered March 4, 2021
- B. TVT-O Pre-trial Scheduling Order (Eighth Amended) (Farnsworth), entered on March 9, 2021.
- C. Case Management Order #68, entered March 10, 2021
- D. First Notice and Request to Stay Certain F&G Cases, entered March 10, 2021
- E. Rella Berman, et al. v. Ethicon, Inc., et al., BER-L-011530-14, Consent Order of Dismissal without Prejudice, entered March 29, 2021
- F. Susan Slinger v. Ethicon, Inc., et al., BER-L-011538-14, Consent Order of Dismissal without Prejudice, entered March 29, 2021
- G. Maureen Fallon v. Ethicon, Inc., et al., BER-L-011527-14, Consent Order of Dismissal without Prejudice, entered March 29, 2021
- H. Jeanne M. Bedard, et al. v. Ethicon, Inc., et al., BER-L-011558-14, Consent Order of Dismissal without Prejudice, entered March 29, 2021

- I. Debra Gioe, et al. v. Ethicon, Inc., et al., BER-L-011520-14, Consent Order of Dismissal without Prejudice, entered March 29, 2021
- J. Christine Dorato, et al. v. Ethicon, Inc., et al., BER-L-011523-14, Consent Order of Dismissal without Prejudice, entered March 29, 2021
- K. Rhonda Brown and Mark Brown v. Ethicon, Inc., et al., BER-L-011572-14, Consent Order of Dismissal with Prejudice, entered April 1, 2021.

II. COMPLIANCE WITH PRIOR ORDERS

- A. TVT-O Pre-trial Scheduling Order (Eighth Amended) (Farnsworth), entered on March 9, 2021.
- B. Case Management Order #68, entered March 10, 2021
- C. TVT 2020 Discovery Pool Pre-Trial Scheduling Order (Fourth), entered September 24, 2020. The Order is out of date and a proposed revised Scheduling Order (Fifth Amended) has been submitted to the Court.

III. CASE MANAGEMENT

- A. Status of the TVT-O cases the Court previously selected for an 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 scheduled for this case due to COVID-related circumstances. The parties reported that they currently are on schedule with the Eighth Amended Pretrial Order.
- B. Status of remaining single product TVT retropublic cases for discovery pool, previously slated for a January 11, 2021 trial date:
 - 1. There remain 3 Cases in the pool as of this date. Retaining their original selection order number, these are:

11	Steadman, Teresa & Jimmy ¹	Oshman & Mirisola	BER-L-011516-14
12	Nemcek, Madeline & Richard	Oshman & Mirisola	BER-L-012359-14
17	Mohr, June	Girardi Keese ² ; Seeger Weiss	BER-L-012791-14

¹ 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. The bankruptcy trustee, Henry J. Applewhite, has advised that the bankruptcy case has been reopened as of December 9, 2020, and the process to appoint counsel has been started. Thereafter, the applications will be made to substitute party in interest. The parties intend to submit a revised order to the Court to incorporate these timelines into a new briefing schedule.

² The parties are attempting to meet and confer to ascertain the status of the case and whether a substitution of counsel will be filed. The parties will then arrange a conference call with the court to discuss the status of the case.

2. The current scheduling order is out of date and an updated proposed revised Scheduling Order (Fifth Amended) will be submitted to the Court.
- C. Status of mixed-manufacturer cases. The parties have agreed to and will submit a protective order for the court to enter regarding the mixed-manufacturer cases. In addition, the parties will follow protocol to address PFS deficiencies in mixed-manufacturer cases.
- D. Status of updated list of active cases not subject to MSA for purposes of selecting future discovery pools. The court determined that Plaintiffs who rejected settlement will be included in future discovery pools.
- E. Selection of discovery pools.

IV. MISCELLANEOUS

The next case management conference will be held on May 18, 2021 at 10:30 am for liaison counsel only and at 11:00 am for all counsel on the record.


RACHELLE L. HARZ, J.S.C.