

**FILED**

**MAY 31 2022**

**RACHELLE L. HARZ  
J.S.C.**

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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 #83**

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 on May 24, 2022; 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 May, 2022, **ORDERED** as follows:

**I. CASE MANAGEMENT**

**A. Mixed-manufacturer cases.**

- (i) The cases that remain subject to the discovery activation order of CMO 74, Exhibit A are:

	Case Name	Docket No.	Plaintiffs' Counsel	Remaining Active Defendants	Product
2 <sup>1</sup>	Aguirre, Susan v. Mentor Corp., et als	BER-L-008298-19	Mazie Slater	Mentor, Ethicon & J&J <sup>2</sup>	Obtape

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<sup>1</sup> Numbers retained from Exhibit A to CMO 74.

<sup>2</sup> No Ethicon Gynecare product at issue.

16	Cordero, Evangelina Basurto v. Ethicon, Inc., et al.	BER-L-007539-19	Schroeder	Ethicon and J&J	TVT AMS Intepro <sup>3</sup>
17	Davis, Judith v.	BER-L-01030-15	Mazie Slater	Coloplast <sup>4</sup>	Restorelle Y TVT Abbrevo
38	Troyer, Deborah R. <sup>5</sup>	BER-L-005133-19	Maggs & McDermott	Ethicon and J&J AMS	Bard Alyte Y AMS mini arc TVT Exact
40	Ware, Shirley	BER-L-006800-16	Mazie Slater	Coloplast <sup>6</sup>	Restorelle AN TVT-O

(ii) The parties shall continue to work together and with the court and clerk's office to ensure that proper dismissal documents are expeditiously entered to completely close any cases that appeared on Exhibit A of CMO 74 that are not listed above that will not be proceeding in discovery, as well as to dismiss any remaining parties not proceeding in discovery in the above-listed cases.

**B. CMO 74 Active Ethicon cases not subject to MSA.**

(i) **CMO 74 Ethicon-only cases that continue to proceed with discovery are:**

**1. Prolift +M**

9	Johnson, Carol v. Ethicon Inc.	BER-L-000402-20	Mazie Slater	Prolift +M Anterior TVT Exact
11	Laframboise, Angela v. Ethicon Inc.	BER-L-007850-16	Mazie Slater Katz & Freeman	Prolift+M TVT

<sup>3</sup> Ms. Cordero has settled with AMS, but case not yet ripe for dismissal document.

<sup>4</sup> Ethicon and Johnson & Johnson dismissed with prejudice via Omnibus DWP Order No. 16, 11/16/2020. Case resolved as to AMS.

<sup>5</sup> This is the only remaining case in which AMS also is a defendant that is expected to proceed at this time.

<sup>6</sup> Ethicon and Johnson & Johnson dismissed with prejudice first via Omnibus DWP Order No. 8 filed on 6/10/2020.

12	Olah, Marie v. Ethicon Inc.	BER-L-012807-14	Mazie Slater Katz & Freeman	Prolift+M TVT Secur
17	Rozear, Kerri v. Ethicon Inc.	BER-L-002956-20	Feldman & Pinto/Martin Baughman <sup>7</sup>	Prolift +M TVT Obturator

## 2. Prosima

1	Godoy, Maricel v. Ethicon Inc.	BER-L-011882-14	Mazie Slater Katz & Freeman	Prosima TVT-O TVT
2	McCormick, Sandra v. Ethicon Inc.	BER-L-003944-18	Mazie Slater Katz & Freeman	Prosima
3	Druker, Deborah v. Ethicon Inc.	BER-L-008165-16	Seeger Weiss	Prosima Anterior (Monarc) <sup>8</sup>

## 3. TVT-Exact

1	Gauldin, Wigington Liza Sue v. Ethicon Inc.	BER-L-008817-19	Aaron M. Levine & Associates; Stark & Stark	TVT Exact
2	Mays, Magdalena v. Ethicon Inc.	BER-L-000352-20	Aaron M. Levine & Associates; Stark & Stark	TVT Exact
3	Snyder, Susan v. Ethicon Inc.	BER-L-001409-20	Aaron M. Levine & Associates; Stark & Stark	TVT Exact
7	Altenhofen, Deborah v. Ethicon Inc.	BER-L-008507-19	Mazie Slater	TVT Exact

## 4. TVT-Abbrevo

2	Percia, Irena D v. Ethicon Inc.	BER-L-009279-15	Miller & Gaudio, P.C.	TVT Abbrevo
3	Suarez, Rosa v. Ethicon Inc.	BER-L-004036-19	Pogust Braslow & Millrood /Bossier	TVT Abbrevo
4	Welker, Joleen v. Ethicon Inc.	BER-L-8055-16	Wagstaff Cartmell	TVT Abbrevo

<sup>7</sup> Substitution of attorney relieving Schroeder filed 10/1/2021.

<sup>8</sup> Representation that claims against Monarc product are not active.

5. **TVT Retropubic.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
13	Castro, Angelina v. Ethicon (65)	BER-L-001642-20	Schroeder Law Office / Bossier	TVT
14	Cox, Mary v. Ethicon (28)	BER-L-010515-14	Law Offices of Lawrence S. Paikoff; Seeger Weiss	TVT

6. **TVT-O.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
3	Gonzalez, Sandra. Ethicon	BER-L-011810-14	Mazie Slater	TVT-O
16	Ledford, Vickie v. Ethicon	BER-L-000500-20	Mazie Slater	TVT-O
17	Hildebrande, Kimberly v. Ethicon	BER-L-012896-14	Mazie Slater	TVT-O
19	West, Debra v. Ethicon	BER-L-000570-20	Mazie Slater	TVT-O
23	Cassidy, Colleen v. Ethicon	BER-L-006690-20	Johnson Law Group	TVT-O

7. **TVT-S.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
3	Ovivion, Donna v. Ethicon	BER-L-007648-20	Mazie Slater	TVT-S
16	Wilcox, Taja v. Ethicon	BER-L-001510-20	Stark & Stark	TVT-S
24	Welton, Samantha v. Ethicon	BER-L-006491-20	Schroeder /Johnson Law Group	TVT-O/ TVT-S

8. **Prolift.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
1	Gillette, Kristen v. Ethicon	BER-L-005550-20	Mazie Slater	Prolift Anterior / Prolift Posterior / TVT-O
4	Dollens, Betty v. Ethicon	BER-L-006254-20	Johnson Law Group	Prolift/ TVT-

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5	Rasoulilian, Shahla v. Ethicon	BER-L-007881-19	Mazie Slater	Prolift Total / Artisyn / TVT Exact
17	Jarzyna, Felicia v. Ethicon	BER-L-003258-20	Lieff Cabraser	Prolift Posterior
19	Pokler, Marina v. Ethicon	BER-L-015644-14	Mazie Slater	Prolift / TVT- S
25	Crist, Mary Susan v. Ethicon	BER-L-000497-20	Mazie Slater	Prolift Anterior / TVT-O

- (i) The parties shall continue to work together and with the court and clerk's office to ensure that proper dismissal documents are expeditiously entered to completely close any cases that appeared on Exhibit A of CMO 74 that are not listed above that will not be proceeding in discovery, as well as to dismiss any remaining parties not proceeding in discovery in the above-listed cases
- (ii) In all of the above-listed cases, all efforts should be undertaken to collect necessary records and schedule depositions of plaintiffs and necessary treating physicians. To that end, the Defendants have asked counsel for plaintiffs to consider waiving or reducing the waiting periods between receipt of the records by the vendor and release of the records to defense counsel to expedite the ability to review and schedule depositions. Additionally, to the extent that there is a lack of response from any plaintiff or plaintiffs to requests to schedule depositions, Defendants are permitted to issue Deposition Notices with an expectation that plaintiff(s) appear as noticed. Failure to appear may result in an application for appropriate relief.

**C. Activation of Additional Cases for Discovery.**

- (i) Liaison counsel have provided the Court with a list of approximately 296 cases that may be activated for discovery.<sup>9</sup> Liaison counsel will continue to meet and confer to generate a case activation order that addresses cases on the list where the plaintiff

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<sup>9</sup> The list is not intended to include any cases involving currently marketed Gynecare TVT products where the plaintiff has not had a revision surgery. Additionally, this list will not include any cases that were filed after the active docket case list extraction from the clerk's office, which was on approximately March 1, 2022. The list will, however, include cases involving Gynemesh/Prolene/Prolene Soft/Ultrapro/Mersilene, whether or not placed transvaginally or abdominally. The list may also include cases in which defendant manufacturers other than Ethicon/J&J are named that were not included on CMO 74 Exh. A, because of having been filed after the generation of the Exh. A. list.

has had a revision surgery, as well as cases appearing on that list with a product that is no longer marketed where there has not been a revision surgery. Upon entry of that Order, Plaintiffs should be prepared to proceed with discovery following by regularly updating PFSs with new information and ensuring that Defendants are in possession of any necessary updated records release authorizations.

**D. 12/1/2021 Settlement Conference Order.**

- (i) The Court continues to engage in settlement conferences consistent with this order. The items listed in Paragraph 2 of the 12/221 Order are the minimum required to engage in settlement discussions with Ethicon Settlement Counsel, whether or not a case is specifically identified in the rider to that Order. If any plaintiff not identified specifically in the Settlement Order is in a position to provide the required information and wishes to be put in contact with Ethicon Settlement Counsel, contact [kcrawford@riker.com](mailto:kcrawford@riker.com).

**E. Next MCL Trial setting.**

- (i) The next trial setting will be the case of Susan Aguirre v. Mentor Corp. BER-L-008298-19. The parties continue to meet and confer regarding the generation of a pre-trial scheduling order with a goal of beginning the trial at the end of September 2022.

**F. Filings on eCourts**

1. Counsel are reminded not to use eCourts to file pleadings and other documents. This MCL requires paper filing or filing through the JEDS system. Any fees charged through an improper submission on eCourts will not be refunded.

**II. MISCELLANEOUS**

The next case management conference will be held on **June 23, 2022** at 1:30 p.m. for liaison counsel only (via Zoom) and at 2:30 p.m. for all counsel on the record; The Conference will be virtual or telephonic.

  
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RACHELLE L. HARZ, J.S.C.