

FILED

NOV 30 2012

Carol E. Higbee, P.J.Cv.

**In re PELVIC MESH / GYNECARE
LITIGATION,**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, ATLANTIC COUNTY

CIVIL ACTION

Case No. 291 CT
Master Case 6341-10

Hon. Carol E. Higbee, P.J. Cv.

**CASE MANAGEMENT ORDER NO. 9
AND PRE-TRIAL SCHEDULING ORDER**

Counsel for the parties having appeared for case management conferences on October 18, and November 13, 2012, and the Court having considered the argument submitted by the parties, and for the continued purpose of equitable, economic and expedient resolution of these cases::

IT IS ON THIS 30 day of November, 2012,

ORDERED as follows:

Pre-Trial Schedule

1. With respect to the upcoming trial case, *Gross v. Ethicon, Inc., et al.*, the Court sets forth the following deadlines:

- a. The parties shall submit an agreed-to jury questionnaire by December 7, 2012. In the event the parties are unable to agree, they shall submit competing jury questionnaires which detail the

specific questions in dispute and the disputes will be on the agenda for the case management conference scheduled for December 11, 2012.

b. All pre-trial motions (including *Kemp, in limine* and summary judgment motions) shall be served by December 7, 2012.

i. On or before November 27, 2012, the parties shall begin to meet and confer to determine whether they can stipulate to motions-*in-limine* on which the parties agree.

c. Any opposition papers to pre-trial motions shall be served by December 21, 2012.

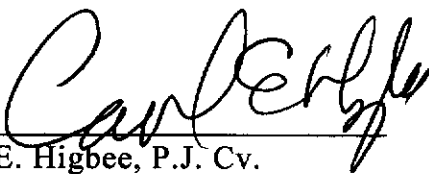
d. Any reply papers to pre-trial motions shall be served by January 2, 2013.

e. To the extent the Court wishes to hear oral argument on any pre-trial motions, such hearings shall take place on January 3-4, 2013.

f. The parties shall exchange preliminary witness lists, exhibit lists, learned treatises, and deposition cuts and videotape excerpts to be played at trial by December 17, 2012, with the right to supplement such exchanges until December 31, 2012 or further order of the Court. The parties are encouraged to meet and confer and resolve any evidentiary disputes in advance of trial. To the extent they cannot agree, the Court shall resolve such disputes during the week of January 7, 2013.

- g. The parties shall exchange objections and counter designations regarding Paragraph 1(f), above, (preliminary witness lists, exhibit lists, learned treatises, and deposition cuts and videotape excerpts) by January 7, 2012.
- h. Juror candidates will receive and complete juror questionnaires on January 7, 2013. Jury selection shall take place on January 9, 2013.
- i. Opening statements shall commence on January 10, 2013. Witness testimony shall begin on January 14, 2013.
- j. The parties' proposed jury charges and verdict forms shall be submitted to the Court on a date certain the Court may set after the commencement of trial.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel of record within seven (7) days of the date hereof.



Carol E. Higbee, P.J. Cv.