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**FILED**

**MAR 25 2024**

**GREGG A. PADOVANO, J.S.C.**

Attorneys for Defendants,  
Ethicon, Inc. and Johnson & Johnson

IRENA D. PERCIA and  
STEPHEN A. PERCIA,

Plaintiffs,

vs.

ETHICON, INC., ETHICON WOMEN'S  
HEALTH AND UROLOGY, a Division  
of ETHICON, INC., GYNECARE,  
JOHNSON & JOHNSON, and JOHN DOES  
1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BERGEN COUNTY  
DOCKET NO. BER-L-009279-15 MCL

MASTER DOCKET NO. BER-L-11575-14

CIVIL ACTION

In Re Pelvic Mesh/Gynecare  
Litigation,  
Case No. 291

IRENA D. PERCIA and  
STEPHEN A. PERCIA,

Plaintiffs,

vs.

HACKENSACK MEDICAL CENTER, ET  
AL.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BERGEN COUNTY  
DOCKET NO. BER-L-002192-15

CIVIL ACTION

**CASE MANAGEMENT ORDER  
(Fourth Amended)**

THIS MATTER having been brought before the Court  
jointly by Defendants Ethicon, Inc. and Johnson & Johnson

("Ethicon"), through their counsel Riker Danzig LLP (Kelly S. Crawford, Esq.), Defendant Alex Coccoziello, D.O. and Coccoziello & Coccoziello ("Coccoziello"), through their counsel Stahl & DeLaurentis, P.C. (Dominic DeLaurentis, Esq.) (collectively "Defendants"), and Plaintiffs Irena D. Percia and Stephen A. Percia ("Plaintiffs"), through their counsel Miller and Gaudio, P.C. (Frank Gaudio, Esq.), and the Court having held a case management conference via Zoom on March 20, 2024, and for good cause shown;

IT IS on this 25<sup>th</sup> day of MARCH, 2024, ORDERED that the following pre-trial deadlines are hereby set:

- I. Fact Discovery - Fact Discovery has been completed.
- II. Expert Discovery
  1. All Plaintiff and Defense expert reports have been served.
  2. The parties shall make best efforts to complete all necessary plaintiff expert depositions by **May 7, 2024** and all necessary defense expert depositions by **July 8, 2024**. Defense expert depositions will not be conducted until after completion of plaintiff expert depositions.
  3. Expert discovery shall be completed by **July 8, 2024**.
- III. Pre-trial motions

1. Pre-trial motions (dispositive, Kemp/Accutane, in *limine*) shall be served by **July 30, 2024**. Consistent with the practice in this MCL, the original motion papers shall be submitted directly to the trial judge's chambers. Only Notices of Motion and Forms of Order shall be submitted for filing with the Clerk's office (either via JEDS or in hard copy).<sup>1</sup>
2. Oppositions to pre-trial motions shall be filed and served by **August 23, 2024**.
3. Only where necessary, on leave of Court, limited replies shall be filed and served by **September 9, 2024**.
4. Oral argument on pretrial motions and any remaining outstanding disputed deposition designations shall commence on **[To be determined by later order of the Court]**, continuing day to day as necessary.
5. The Court shall issue rulings on pretrial motions and any outstanding deposition designation disputes that impact opening statements, or other such issues that must be resolved prior to opening statements by no later than **[To be determined by later order of the Court]**.

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<sup>1</sup>This MCL is not an eCourts docket; no filings are to be made on eCourts in this MCL.

IV. Deposition designations

1. The parties shall exchange affirmative deposition designations for case-specific and non-case specific witnesses on or before **July 15, 2024**. The designations shall be identified by page and line number and the parties have agreed to use the same Excel spreadsheet format for ease of reference and exchange. The designations shall specifically identify exhibits to be offered through the deposition testimony.
2. Any objections to the designations or any of the accompanying exhibits sought to be entered through the deposition testimony, and any counter-designations and accompanying exhibits sought to be entered through the counter-designation testimony, shall be exchanged on or before **August 13, 2024**.
3. Plaintiffs shall advise Defendants of any witness for whom Defendants have identified deposition designations to which Plaintiffs will object on the grounds that the witness needs to be brought live to trial rather than played by video on or before **August 13, 2024**.
4. Any objections to the counter-designations and exhibits, and any counter-counter-designations to an

opposing party's counter-designations, shall be exchanged on or before **September 9, 2024**.

5. The parties shall meet and confer no later than **September 24, 2024**, to resolve objections to the designated testimony and exhibits and to resolve any proposed redactions to exhibits.

6. The Court shall commence hearings to resolve all outstanding objections relating to the deposition designations and exhibits during the week of **[To be determined by later order of the Court]**, continuing as necessary.

7. The Court shall issue rulings regarding disputed deposition designations by no later than **[To be determined by later order of the Court]**.

V. Trial witnesses and exhibits

1. On or before **August 13, 2024**, Plaintiffs shall advise Defendants of Defendants' corporate witnesses whom they request to call as live witnesses at trial.

2. The parties shall exchange witness lists on or before **August 27, 2024**.

3. The parties shall disclose the identities of live witnesses who will testify at trial at least two business days prior to when the witness will be called. If the witness will be called on a Monday,

Court so permits, a duplicate shall also be provided to the adverse parties.

VI. Jury instructions

1. The parties shall exchange initial proposed jury instructions by **[To be determined by later order of the Court]**, and thereafter shall meet and confer regarding jury instructions.

VII. Jury selection

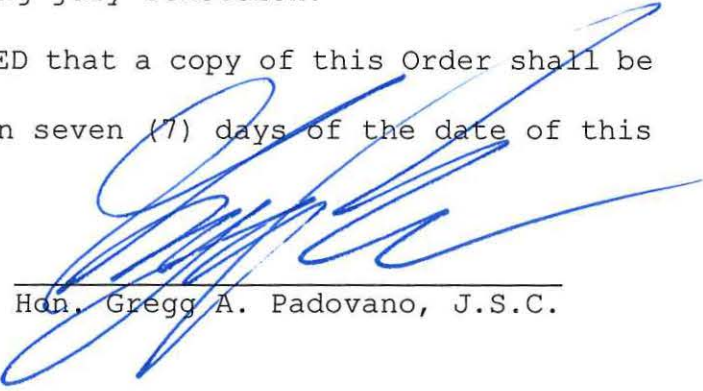
1. The parties shall meet and confer on a juror questionnaire by **[To be determined by later order of the Court]**.
2. A proposed agreed upon jury questionnaire must be submitted to the Court on or before **[To be determined by later order of the Court]**. If the parties are unable to agree upon a form of juror questionnaire, the parties shall submit competing forms and identify for the Court those questions upon which they cannot agree.
3. The parties shall agree upon a service to copy the final questionnaire to ensure that there are sufficient copies for distribution to the jury pool and for duplication of the completed questionnaires for distribution among counsel. The cost of copying shall be borne equally by Plaintiffs and Defendants.

4. By **[To be determined by later order of the Court]**, the parties shall submit a concise descriptive statement of the nature of the case not to exceed one page in length for the Judge's use during jury selection.

5. Jury selection will begin on **[To be determined by later order of the Court]**, with jurors to complete questionnaires (both short form hardship and long form) on **[To be determined by later order of the Court]**.

VIII. Commencement of Trial - Opening statements will commence on or as soon after **[To be determined by later order of the Court]**, following jury selection.

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



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Hon. Gregg A. Padovano, J.S.C.

CONSENTED TO AS TO FORM AND ENTRY:

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/s/ Kelly S. Crawford<sup>2</sup>  
Kelly S. Crawford  
Attorney for Defendants  
Ethicon, Inc. & Johnson & Johnson

Dated: March 21, 2024

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<sup>2</sup> Pursuant to the New Jersey Supreme Court Omnibus Order on Covid-19 issues entered on March 27, 2020, " The provisions of Rule 1:32-2A(c) and all other Court Rules requiring original signatures on filings are relaxed and supplemented so as to permit electronic signatures to be used in all filing processes temporarily authorized to be used during the COVID-19 crisis, including, but not limited to emergent applications submitted by email and hardcopy submissions in dockets without an approved electronic filing system.. "