
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

CIVIL ACTION

CASE

MANAGEMENT ORDER #97

(Order Regarding Sales Rep
Depositions)

All prior orders remain in full force and
effect except as modified by this Order.

FILED

APR 10 2023

RACHELLE L. HARZ
J.S.C.

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 10th day of April, 2023, **ORDERED** as follows:

1. Given the specific circumstances of this litigation, including the age of this MCL (established in 2010), the fact that the available custodial files for sales representatives have been produced, the fact that most former sales representatives relevant to this litigation have already been deposed at least one time, and based on the parties' agreement that a streamlined protocol would be beneficial based on the specific circumstances of this litigation, the following protocols will be followed regarding requests for sales representative depositions.

2. Upon request by a plaintiff, the defendants shall produce all transcripts of depositions of all of the sales representative(s) identified in the DFS, in defendants' possession.

3. Absent agreement between the parties or further order of the Court including if there is a dispute as to the number of sales representatives to be deposed, or the timing, there shall be no more than one sales representative deposition taken in any given case designated for work up in a discovery pool.


4. The parties may agree to defer the deposition of the sales representative(s) to a time nearer to the time of trial, after cases have been narrowed for trial selection. Any disputes regarding the timing of the sales representative deposition(s) shall be brought to the Court for resolution.

5. In an effort to streamline discovery, and in light of the productions and discovery to date, Plaintiffs' direct questioning of sales representatives at deposition shall be limited in time (measured as time on the record) as follows, unless agreed otherwise between the parties to an individual case or by Court Order:

- a. Three hours – for any sales representative who has never appeared before for deposition in connection with a pelvic mesh case; or
- b. Two hours – for any sales representative who has previously been deposed one or more times in connection with a pelvic mesh case, provided that Defendants provide the deposition transcripts and exhibits from all prior depositions of the sales representative no later than 30 days prior to such depositions.

6. The parties shall work together to ensure that Defendant also has a reasonable opportunity to conduct redirect questioning, particularly in cases where the sales representative is no longer employed by Defendant(s). The time for Plaintiff's questioning of the sales representative shall be extended for follow up questions

following the Defendants' questioning by a time no longer than the time of Defendants' questioning.


RACHELLE L. HARZ, J.S.C.