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

FILED

MAR 3 0 2023

RACHELLE L. HARZ
J.S.C.

CASE MANAGEMENT ORDER #94
Common Benefit Procedure and Criteria

The Court having entered Case Management Order #71 on April 21, 2021, this Order is

entered to establish the mechanism and criteria for the evaluation and allocation of common

benefit funds for common benefit time and expenses to Participating Counsel. Case

Management Order #71 is hereby incorporated herein by reference. The Court having

considered the recommendations of common benefit liaison counsel, and for good cause shown;

It is on this 30th day of March, 2023, ORDERED:

1. Participating Counsel may submit an application for the allocation of available

common benefit funds.   The form of the application shall be a Certification of no more than 10

pages, captioned for this MCL, titled Application of INSERT LAW FIRM NAME For Common

Benefit Allocation, signed by the responsible partner in the firm filing such application, double

spaced and with no smaller than 12 point type. Exhibits are not expected, and lengthy exhibits

are discouraged. The substance of the application should be clearly stated in the Certification.

2. The Certification shall contain the following language directly above the signature

line:

This application for common benefit allocation is made in good faith and based on

verifiable facts as to the law firm's common benefit work and contributions in and for the benefit

of the plaintiffs in this MCL. No expenses requested herein have been previously allocated to this

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law firm by any other Court as part of a common benefit allocation or award, including the federal MDL Court. I hereby certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

3. The application shall be submitted to common benefit liaison counsel, within 14 days of the entry of this Order, via email to Adam M. Slater, Esq. at Aslater@mazieslater.com. No copy shall be submitted to the Court or to the defense or any other party at the time of submission. The Court recognizes and expects that the submissions will contain Plaintiffs' work product, and shall be protected accordingly. Common benefit liaison counsel shall evaluate the applications based on the criteria herein. Common Benefit liaison counsel or the Court may request documents and information from Participating Counsel as needed for the review and understanding, or verification of submissions. Common Benefit liaison counsel shall submit a summary and recommendations to the Court, along with the submitted applications, within 14 days following the deadline for submission of the applications. The submitted materials shall be provided to those law firms making submissions at the same time as submission is made to the Court. Each law firm submitting an initial application shall be permitted, but not required, to submit a letter of no more than 3 pages, double spaced, no less than 12-point type, to the Court, with a copy to common benefit liaison counsel (not to the defense or to be filed with the clerk), responding to the recommendations of common benefit liaison counsel, within 7 days of the submission of the recommendation of common benefit liaison counsel to the Court. The Court shall then review and consider the applications, summary and recommendations, and any responses, and issue an Order establishing the common benefit allocations. The Court may, but need not, schedule a hearing to address some or all of the submissions.

4. Submissions with regard to time expended for the common benefit of the entire MCL litigation shall be limited to Authorized Common Benefit Work as that term is defined in Case Management Order #71. The application should address the quality, quantity, and significance of common benefit work performed, and specify the source of authorization for such work as a prerequisite to consideration. Authorized Common Benefit Work that is eligible for consideration may include, but not necessarily be limited to: preparation and conduct of bellwether cases for trial, argument of legal issues and motions, presentations and arguments at case management conferences, argument of appeals, legal briefing, legal research, document review, depositions of corporate employee witnesses and consultants and third-party witnesses, preparation of expert reports, depositions of expert witnesses, provision of assistance and advice to law firms in this MCL, administrative leadership, organization, and supervision. Attendance to observe at case management conferences and hearings, depositions, and trials shall not be considered eligible unless specifically authorized by liaison counsel. Work performed without authorization, but for the benefit of a law firm's clients, for example attending case management conferences, reading deposition transcripts of corporate or expert witnesses, observing a trial, or reading Court orders and decisions, shall not be considered eligible. The work up and handling of a law firm's own cases shall not be eligible unless selected as bellwether trial cases. Mere assignment to a discovery pool for work up does not constitute selection as a bellwether trial case.

5. Submissions with regard to expenses expended for the common benefit of the entire litigation shall not duplicate expenses already reimbursed as common benefit expenses, including by the federal MDL. Expenses that are eligible for reimbursement may include, but not necessarily be limited to common benefit expenditures including: unreimbursed contributions to the Gynecare Work Group, bellwether trial expenses, the cost of transcripts of case management conferences

and hearings, the cost of deposition transcripts in bellwether trial cases, trial tech and other trial expenses, and expert costs.

FURTHER ORDERED that this Order be posted on Lexis Nexis within five days hereof.

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Hon. Rachelle L. Harz, J.S.C.