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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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**FILED**

**AUG 02 2017**

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

**SUPERIOR COURT OF NEW JERSEY**

**LAW DIVISION: BERGEN COUNTY**

**CASE NO. 291**

**MASTER DOCKET NO.: BER-L-11575-14**

**CIVIL ACTION**

**CASE MANAGEMENT ORDER #39**

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; counsel appearing; for good cause shown and for the reasons set forth on the record;

**IT IS** on this 2nd day of August 2017, **ORDERED** as follows:

**I. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

- A. Case Management Order #38 entered on June 12, 2017
- B. Becker v. Ethicon, Inc. – Consent Order to Compel, entered on June 30, 2017
- C. Lemon v. Ethicon, Inc. – Consent Order to Dismiss With Prejudice, entered on June 30, 2017
- D. Henderson v. Ethicon, Inc. – Consent Order of Dismissal With Prejudice, entered on July 12, 2017

**II. COMPLIANCE WITH PRIOR ORDERS**

- A. Case Management Order #38 entered on June 22, 2017
  - 1. March 2017 Discovery Cases
    - a. Pre-trial preparation. The Parties are continuing to work to conclude necessary fact discovery and are proceeding with the expert disclosure deadlines. The Parties will report on the status during the August 2, 2017 CMC.

2. Status of Plaintiffs' submitting a stipulation of dismissal for Schubert, Lynne, BER-L-00398-15

### III. CASE MANAGEMENT

#### A. March 2017 Discovery Cases

1. Status of pre-trial preparation.
  - a. Selection of first case
    - a. The Hrymoc BER-L-01369-14 (Total Prolift/ TVT-O) case has been selected to go forward for the November trial date with jury selection to begin on November 6, 2017.
    - b. Pretrial schedule
      - a. The parties have entered into a scheduling order for the Hrymoc, Elizabeth and Taduesz BER-L-01369-14 case which the court will sign and enter separately.
      - c. The Parties will continue to work up the March 2017 Discovery pool cases
  2. eCourts
    - a. The impact of the September 14, 2017 Implementation Date on upcoming motion practice and deadlines
      - a. Notices of Motion shall be filed through eCourts and all other documents will be delivered to chambers as there is confidential materials which may only be reviewed *in camera*.


### PART IV

#### IV. GENERAL

1. The next Case Management Conference is scheduled for September 20, 2017 at 11:00 a.m. in Room 359. Liaison Counsel shall report at 10:30 a.m. **Counsel shall submit a proposed agenda seven (7) days prior to this Case Management Conference.**
2. By consent of all parties, the court may contact or be contacted on an *ex parte* basis regarding settlement issues only.
3. The court may, from time to time, conduct phone conferences with defense counsel and liaison counsel.
4. Subject to agreement by and between counsel and with permission from the Court, counsel is permitted to appear telephonically; in order to have your appearance

on the record, it is counsel's responsibility to e-mail liaison counsel and the court reporter at least one hour before the proceeding with your name, firm, and party representing, indicating that you intend to appear by phone; in addition, you must confirm your appearance, immediately following the proceeding. Absent the above, counsel's appearance will not be noted.

5. The official record shall be the transcript provided by the court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any court proceeding to the court within 14 days of the proceeding.
6. Counsel is permitted to serve one motion with a schedule of attached cases for *pro hac* admission. However, a separate order per case/docket number and filing fees is required.
7. The Court directs all counsel to R.4-8 and expects all counsel to abide by the parameters set forth therein.
8. All Court proceedings will start at the designated scheduled time. Counsel is expected to arrive promptly for these proceedings.
9. Counsel shall provide the Court with their preferred e-mail address by e-mailing same to Jamie Colaneri at [Jamie.Colaneri@njcourts.gov](mailto:Jamie.Colaneri@njcourts.gov) and Sean Hanratty at [Sean.Hanratty@njcourts.gov](mailto:Sean.Hanratty@njcourts.gov).
10. Counsel is directed to contact The Superior Court of New Jersey, Attorneys Accounts: P.O. Box 980, Hughes Justice Complex, 25 W. Market Street, Trenton, New Jersey 08625 (609) 633-8643 to establish a collateral account for any filing fees within seven (7) days.
11. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
12. A copy of this Order and any subsequent Orders to the Court will be posted on the Judiciary Web Site.

  
RACHELLE L. HARZ, J.S.C.