

FILED

SEP 14 2022

RACHELLE L. HARZ  
J.S.C.

**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 #88**

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 on July 22, 2022; counsel appearing; for good cause shown and for the reasons set forth on the record;

IT IS on this 14 day of ~~August~~ <sup>Sept</sup>, 2022, **ORDERED** as follows:

**I. CASE MANAGEMENT**

- A. **Trial Setting 1:** The November trial setting is adjourned to January 9, 2023. A separate pretrial order will be entered regarding the trial setting and the cases.
- B. **Trial Setting 2 (Prolift):** February 6, 2023. A separate pretrial order will be entered regarding the trial and the trial setting cases.
- C. **Trial Setting 3 (TVT Retropubic):** March 27, 2023. A separate pretrial order will be entered regarding the trial and the trial setting cases.
- D. **Mixed-manufacturer cases.**
  - (i) The parties are to continue to work up the cases that remain subject to the discovery activation order of CMO 74, Exhibit A, which are:

Case Name	Docket No.	Plaintiffs' Counsel	Remaining Active Defendants	Product

2 <sup>1</sup>	Aguirre, Susan v. Mentor Corp., et als	BER-L-008298-19	Mazie Slater	Mentor, Ethicon & J&J <sup>2</sup>	Obtape
17	Davis, Judith v.	BER-L-01030-15	Mazie Slater	Coloplast <sup>3</sup>	Restorelle Y TVT Abbrevo
38	Troyer, Deborah R. <sup>4</sup>	BER-L-005133-19	Maggs & McDermott	Ethicon and J&J AMS	Bard Alyte Y AMS mini arc TVT Exact
40	Ware, Shirley	BER-L-006800-16	Mazie Slater	Coloplast <sup>5</sup>	Restorelle AN TVT-O

(ii) The parties shall continue to work together and with the court and clerk's office to ensure that proper dismissal documents are expeditiously entered to completely close any cases that appeared on Exhibit A of CMO 74 that are not listed above that will not be proceeding in discovery, as well as to dismiss any remaining parties not proceeding in discovery in the above-listed cases.

**E. CMO 74 Active Ethicon cases not subject to MSA.**

(i) The parties are to continue to work up the cases that remain active from CMO 74 Ethicon-only. These are:

**1. Prolift +M**

9	Johnson, Carol v. Ethicon Inc.	BER-L-000402-20	Mazie Slater	Prolift +M Anterior TVT Exact
11	Laframboise, Angela v. Ethicon Inc.	BER-L-007850-16	Mazie Slater Katz & Freeman	Prolift+M TVT Xenform
12	Olah, Marie v. Ethicon Inc.	BER-L-012807-14	Mazie Slater Katz & Freeman	Prolift+M TVT Secur

<sup>1</sup> Numbers retained from Exhibit A to CMO 74.

<sup>2</sup> No Ethicon Gynecare product at issue.

<sup>3</sup> Ethicon and Johnson & Johnson dismissed with prejudice via Omnibus DWP Order No. 16, 11/16/2020. Case resolved as to AMS.

<sup>4</sup> AMS and Bard remain active defendants in addition to Ethicon. AMS bankruptcy stay in place.

<sup>5</sup> Ethicon and Johnson & Johnson dismissed with prejudice first via Omnibus DWP Order No. 8 filed on 6/10/2020.

17	Rozear, Kerri v. Ethicon Inc.	BER-L-002956-20	Feldman & Pinto/Martin Baughman <sup>6</sup>	Prolift +M TVT Obturator
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2. **Prosima**

1	Godoy, Maricel v. Ethicon Inc.	BER-L-011882-14	Mazie Slater Katz & Freeman	Prosima TVT-O TVT
2	McCormick, Sandra v. Ethicon Inc.	BER-L-003944-18	Mazie Slater Katz & Freeman	Prosima

3. **TVT-Exact**

1	Gauldin, Wigington Liza Sue v. Ethicon Inc.	BER-L-008817-19	Aaron M. Levine & Associates; Stark & Stark	TVT Exact
2	Mays, Magdalena v. Ethicon Inc.	BER-L-000352-20	Aaron M. Levine & Associates; Stark & Stark	TVT Exact
3	Snyder, Susan v. Ethicon Inc.	BER-L-001409-20	Aaron M. Levine & Associates; Stark & Stark	TVT Exact
7	Altenhofen, Deborah v. Ethicon Inc.	BER-L-008507-19	Mazie Slater	TVT Exact

4. **TVT-Abbrevo**

2	Percia, Irena D v. Ethicon Inc.	BER-L-009279-15	Miller & Gaudio, P.C.	TVT Abbrevo
4	Welker, Joleen v. Ethicon Inc.	BER-L-8055-16	Wagstaff Cartmell	TVT Abbrevo

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<sup>6</sup> Substitution of attorney relieving Schroeder filed 10/1/2021.

5. **TVT Retropubic.**<sup>7</sup>

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
13	Castro, Angelina v. Ethicon	BER-L-001642-20	Schroeder Law Office / Bossier	TVT

6. **TVT-O.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
3	Gonzalez, Sayris Ethicon	BER-L-011810-14	Mazie Slater	TVT-O
16	Ledford, Vickie v. Ethicon	BER-L-000500-20	Mazie Slater	TVT-O
17	Hildebrand, Kimberly v. Ethicon	BER-L-012896-14	Mazie Slater	TVT-O
19	West, Debra v. Ethicon	BER-L-000570-20	Mazie Slater	TVT-O

7. **TVT-S.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
3	Ovivion, Donna v. Ethicon	BER-L-007648-20	Mazie Slater	TVT-S
16	Wilcox, Taja v. Ethicon	BER-L-001510-20	Stark & Stark	TVT-S

8. **Prolift.**

	Case Name	Docket No.	Plaintiffs' Law Firm	Product(s)
1	Gillette, Kristen v. Ethicon	BER-L-005550-20	Mazie Slater	Prolift Anterior / Prolift Posterior / TVT-O
5	Rasouljian, Shahla v. Ethicon	BER-L-007881-19	Mazie Slater	Prolift Total / Artisyn / TVT Exact
17	Jarzyna, Felicia v. Ethicon	BER-L-003258-20	Lieff Cabraser	Prolift Posterior

<sup>7</sup> Note that pursuant to CMO 87, the Court intends to select additional TVT cases to be included in this work up pool moving toward a March 27, 2023 trial setting.

12	Pokler, Marina v. Ethicon	BER-L-015644-14	Mazie Slater	Prolift / TVT-S (Avaulta)
25	Crist, Mary Susan v. Ethicon	BER-L-000497-20	Mazie Slater	Prolift Anterior / TVT-O

- (ii) The parties shall continue to work together and with the court and clerk's office to ensure that proper dismissal documents are expeditiously entered to completely close any cases that appeared on Exhibit A of CMO 74 that are not listed above that will not be proceeding in discovery, as well as to dismiss any remaining parties not proceeding in discovery.

**F. CMO 84.**

- (i) On June 14, 2022, the Court entered CMO 84 activating cases for discovery and the obligations therein are ongoing.
- (ii) Defendants intend to file prompt motions to dismiss for any case that is not compliant with CMO 84.

**G. Filings on eCourts**

1. Counsel are reminded not to use eCourts to file pleadings and other documents. This MCL requires paper filing or filing through the JEDS system. Any fees charged through an improper submission on eCourts will not be refunded.

**II. MISCELLANEOUS**

The next case management conference will be held on **September 30, 2022** at 1:30 p.m. for liaison counsel only (via Zoom) and at 2:30 p.m. for all counsel on the record; The Conference will be virtual or telephonic.

  
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 RACHELLE L. HARZ, J.S.C.