

This Order hereby supersedes and replaces all prior Notices and Orders Regarding Service of Plaintiff's Fact Sheets and Applications for Extension of Service Dates filed on 11/16/12, 2/14/14, 12/15/16, and 7/30/18

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FILED

MAR 15 2019

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

IN RE PELVIC MESH/GYNECARE
LITIGATION,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY

MASTER DOCKET NO.
BER-L-11575-14

CIVIL ACTION
In re Pelvic Mesh/Gynecare
Litigation
Case No. 291

**AMENDED NOTICE AND ORDER
REGARDING SERVICE OF PLAINTIFF'S
FACT SHEETS AND APPLICATIONS FOR
EXTENSION OF SERVICE DATES
(UPDATED MARCH 2019)**

TO: All Counsel of Record

PLEASE TAKE NOTICE that, in accordance with Case Management Order No. 5, and in order to ensure uniformity in the service of Plaintiffs' Fact Sheets ("PFS"), the following protocols have been put into place regarding the service of PFSs and applications for extension of service dates.

1. SERVICE OF PFSs

- a. PFSs are not to be served prior to service of the plaintiff's Complaint. In the event that the PFS is served before the Complaint, Defendants will calculate the due date of the Defendants' Fact Sheet ("DFS") from the date of service of the Complaint.
- b. PFSs are to be served on a rolling basis and are not to be accumulated for mass service. Any one firm shall serve no more than two (2) PFSs in one day to avoid both the imposition of an unreasonable burden on Defendants to process and serve DFS responses within the time contemplated by governing CMO No. 5, and the contravention of this Court's directive for Plaintiffs to avoid such unnecessary burdens.
- c. PFSs and supporting documents for multiple plaintiffs are not to be served electronically in a combined file. While size limitations may require scanned documents to be served in multiple separate files, any electronic file (e.g. pdf) of a PFS response or supporting documents must contain information as to a single plaintiff. For example, a single pdf file may not contain PFS responses or supporting documents for more than a single plaintiff.

d. PFSs are to be served upon Defendants via email addressed to the following individuals:

- i. Christina Le – cle@riker.com
- ii. Debra Gantert – dgantert@riker.com
- iii. Francesca Henry – fhenry@riker.com
- iv. Butler Snow – njpf@s@butlersnow.com

Service to any subset of the above individuals, service to Defense liaison counsel, or service to other employees of the law firms identified above, is not adequate.

e. Plaintiffs' counsel may also serve PFSs via regular mail. In the event that counsel chooses this method, the PFSs should be sent to:

Debra Gantert
Francesca Henry
Riker Danzig Scherer
Hyland & Perretti LLP
Headquarters Plaza
One Speedwell Ave.
Morristown, NJ 07962

Justin Alderson
Butler, Snow, O'Mara
& Cannada, PLLC
Suite 1400
1020 Highland Colony Pkwy
Ridgeland, MS 39157

Service via regular mail must be supplemented with service via email to the recipients identified in Section 1(d).

f. To accommodate the size of the files, Plaintiffs' counsel may serve plaintiffs' medical records and authorizations separately via regular mail. These records are to be sent to Debra Gantert, Francesca Henry and Justin Alderson as indicated in Section 1(e).

- g. If plaintiffs choose to opt-out of record collection by the Marker Group, which is not preferable, notice must be sent via email and regular mail to Debra Gantert, Francesca Henry and Justin Alderson as indicated in Section 1(e) & (f).

2. APPLICATIONS FOR EXTENSIONS

- a. Applications to Defendants for extension of the PFS service date are to be sent via email to the following individuals:
 - i. Christina Le – cle@riker.com
 - ii. Debra Gantert – dgantert@riker.com
 - iii. Francesca Henry – fhenry@riker.com
 - iv. Butler Snow – njpbs@butlersnow.com
- b. Each application must include the name and docket number of the plaintiff at issue and the length of time needed to complete the PFS.
- c. Extension requests are expected to be the exception, and not routine.

3. COMMUNICATIONS REGARDING DEFICIENCIES IN PFS RESPONSES

- a. All Communications relating to Deficiencies in PFS responses, including, but not limited to supplemental responses, additional responsive information, objections to claims of deficiencies, or extension related requests, are to be sent via email to the following individuals:
 - i. Christina Le – cle@riker.com

- ii. Debra Gantert – dgantert@riker.com
- iii. Francesca Henry – fhenry@riker.com
- iv. Butler Snow – njpbs@butlersnow.com

- b. Each communications must include the name and docket number of the plaintiff.
- c. **Communications regarding deficiencies or extension requests to any subset of the above individuals, to Defense liaison counsel, or to other employees of the law firms identified above, is not adequate.**

4. GENERAL OBLIGATIONS REGARDING PFS RESPONSES

- a. PFS forms shall be completed with full and correct information to the best of your knowledge. A completed Fact Sheet shall be considered interrogatory answers and as responses to requests for production pursuant to Rule 4:18 of the New Jersey Rules of Civil Procedure. As such, failure to provide answer or respond may lead to dismissal under Rule 4:23-5(a) and related protocols established by this Court.
- b. All parties are to comply fully with this protocol.

Last updated: March 13, 2019

So Ordered:



Honorable Rachelle Lea Harz, J.S.C