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IN RE: PELVIC MESH/GYNECARE  
LITIGATION

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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

CASE NO. 291  
MASTER DOCKET NO.: BER-L-11575-14

CIVIL ACTION

CASE MANAGEMENT ORDER #38

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

**FILED**

JUN 22 2017

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 22th day of June 2017, **ORDERED** as follows:

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

A. Case Management Order #37 entered on May 12, 2017

**II. COMPLIANCE WITH PRIOR ORDERS**

A. Case Management Order #37 entered on May 12, 2017

1. March 2017 Discovery Cases

a. Status of the proposed pre-trial discovery order. The Parties will report on the status of fact discovery and expert disclosures for these cases during the June 22, 2017 CMC.

2. The Court permitted the substitution of another defense case for Moore, Hendree and Timothy, BER-L-015077-14. Defendants advised Plaintiffs that Defendants' substitute selection is Waites, Kathy Jo, BER-L-11045-14.

**III. CASE MANAGEMENT**

A. March 2017 Discovery Cases

1. Status of pre-trial preparation.
  - a. The parties will continue to work to conclude necessary fact discovery as expeditiously as possible.
  - b. Plaintiffs' expert reports will be served by July 31, 2017.
  - c. Defendants' expert reports will be served 30 days after the service of Plaintiffs' expert reports are served, even if the Plaintiffs' expert reports are served prior to July 31, 2017.
  - d. The draft pretrial order that the parties have been adhering to by agreement shall remain in effect until the parties submit a revised order to be entered by the Court.
2. Plaintiffs have advised that defense pick Schubert, Lynne, BER-L-00398-15 will be dismissed.
  - a. Defendants will select a replacement case for Schubert; no Plaintiff pick case will be removed from the discovery pool at this time.
3. The Parties have reached an agreement regarding the pathology protocol that should be utilized.
4. Defendants will advise Plaintiffs within 30 days regarding the scope to which they are willing to agree to a Stipulation that includes placing Johnson & Johnson on the verdict sheet.

**PART IV**

**IV. GENERAL**

1. The next Case Management Conference is scheduled for August 02, 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 shall copy their co-counsel and all adversaries on all e-mails and other electronic correspondence submitted to the Court [COUNSEL IS PROHIBITED FROM FILING ANY PLEADING ELECTRONICALLY]. Any such submission received after 4:30 p.m. will be deemed received at 9:00 a.m. on the next day Court is in session. Any such submission received after 4:30 p.m. on a Friday or over a weekend, will be deemed received on 9:00 a.m. on the next day Court is in session.
11. 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.
12. Counsel is required to check the Judiciary's Web Site dedicated to this matter for any decisions/Orders/information contained therein.
13. 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.