

FILED

OCT 28 2011

Carol E. Higbee, P.J.Cv.

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IN RE PELVIC MESH/GYNECARE
LITIGATION

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – ATLANTIC COUNTY
: MASTER CASE 6341-10
: CASE NO. 291 CT
:
: Civil Action
:
: **INITIAL BELLWETHER**
: **SCHEDULING ORDER INCLUDING**
: **SCHEDULE OF INITIAL**
: **DEPOSITIONS, SELECTION OF**
: **INITIAL BELLWETHER CASES,**
: **AND INITIAL PRE-TRIAL SCHEDULE**

THIS MATTER having come before the Court after counsel having met and conferred, and the Court having determined that the process of selecting initial bellwether cases should commence, and that discovery necessary to prepare the initial bellwether cases for trial should be commenced, and recognizing that additional discovery shall be necessary and will be the subject of subsequent Orders, and that this Order does not limit the discovery to take place in connection with the initial bellwether cases, or limit or address discovery to take place in connection with subsequent bellwether cases, and for the continued purpose of equitable, economic, and expedient resolution of these cases, and for good cause shown;

IT IS on this 28 day of October, 2011,

ORDERED that on or before November 1, 2011 the parties shall begin to meet and confer with regard to the selection of first group of bellwether cases for trial. Each side may select seven (7) cases. All cases chosen for the first group should be cases where

some type of remedial surgery was done. The parties shall confer on any additional criteria such as where plaintiffs reside to allow for uniformity in the law applied.

ORDERED that on or before December 16, 2011 the initial pool of fourteen (14) potential bellwether cases shall be established and (1) case specific discovery shall commence in connection with those cases on December 16, 2011, and (2) case specific discovery shall be completed in connection with these cases no later than March 30, 2012.

ORDERED that Plaintiffs' Initial General and Case Specific Expert Reports (for the cases in the initial pool of potential bellwether cases) be served on or before April 15, 2012.

ORDERED that Defendants' General and Case Specific Expert Reports (for the cases in the initial pool of potential bellwether cases) be served on or before June 15, 2012, or 60 days after service of the corresponding Plaintiff Expert Report, whichever is sooner.

ORDERED that Plaintiffs' rebuttal General and Case Specific Expert Reports (for the cases in the initial pool of potential bellwether cases) be served on or before July 20, 2012.


ORDERED that supplemental expert reports addressing documents, information, and testimony obtained after the deadlines for the service of initial and rebuttal expert reports shall be served in compliance with R. 4:17-7.

ORDERED that factual discovery in connection with the initial pool of potential bellwether cases shall continue following and during the exchange of expert reports and expert discovery, as necessary.

ORDERED that Expert Depositions shall be completed on or before October 5, 2012.

ORDERED that by May 15, 2012, a second group of fourteen (14) shall be chosen as potential bellwether trials. The criteria for these cases are to be determined by agreement between counsel, and if needed, by court intervention.

ORDERED that the initial bellwether trials shall commence on November 5, 2012.


HONORABLE CAROL E. HIGBEE, P.J.Cv.