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Ethicon, Inc. and Johnson & Johnson

**FILED**

MAY 23 2012

Carol E. Higbee, P.J.C.

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  
:  
:  
:

: **ORDER DENYING DEFENDANTS'**  
: **MOTION TO MAINTAIN**  
: **CONFIDENTIALITY OF**  
: **DOCUMENTS**  
:

THIS MATTER having been brought before the Court by Defendants Ethicon, Inc. and Johnson & Johnson (“Defendants”), through their counsel Riker, Danzig, Scherer, Hyland and Perretti, LP, seeking entry of an Order upholding Defendants’ confidential designation of certain challenged documents, and Plaintiffs having opposed the motion; and the Court having considered the papers submitted in connection with the motion, and having heard oral argument of the parties on February 14, 2012, and for the reasons set forth on the record on April 20, 2012, and for good cause shown:

IT IS on this 23 day of <sup>May</sup>~~April~~, 2012,

ORDERED that Defendants’ Motion is hereby DENIED, and the following documents produced by Defendants are de-designated and shall no longer be confidential:

1. Documents relating to physician consultants:

ETH 735-745  
ETH 746-760

These documents are de-designated but their use must be in good faith restricted to litigation purposes only, and these documents and the information contained therein are not to be publicly disseminated. In future productions, documents setting forth similar materials, including consulting agreements and the terms of agreement with physician consultants, shall not be marked "confidential" and may be utilized by plaintiffs in good faith for litigation purposes only. These documents should be marked "not for public dissemination."

2. Product and Regulatory related documents:

ETH 797-877  
ETH 928-949  
ETH 950-1073  
ETH 1366-1387  
ETH 1748-1814  
ETH 1898-1902  
ETH 1903-1947  
ETH 1948-2014  
ETH 2015-2238  
ETH 2239-2273  
ETH 10148-10181  
ETH.MESH.34-35  
ETH.MESH.36-37  
ETH.MESH.70-71  
ETH.Mesh.2583  
ETH.MESH.2644-2646  
ETH.MESH.2647-2648  
ETH.MESH.2649-2652

3. Documents to be produced in the future shall not be designated as confidential unless they contain trade secrets as defined under the New Jersey Trade Secret Act, N.J.S.A 56:15-2, or confidential commercial information as defined under New Jersey

common law. In the event that Defendants designate documents as confidential, they may continue to designate the entirety of those documents as confidential and separately indicate to Plaintiffs in writing which specific portions of the documents are the basis for the confidentiality designations.

4. The parties will meet and confer with regard to de-designation of documents which have already been produced and are marked "confidential," including but not limited to those similar to the types of documents identified in Paragraphs 1 and 2 above which have been de-designated. If the parties cannot agree that the materials should be de-designated consistent with the Court's direction during the April 20, 2012 case management conference, the matter will be submitted to the Court.

FURTHER ORDERED that a true copy of this Order shall be served on all parties within five (5) days of receipt.

  
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HONORABLE CAROL E. HIGBEE, P.J.S.C.