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FILED

MAY 09 2017

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

**In re PELVIC MESH/GYNECARE
LITIGATION,**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY**

CIVIL ACTION

Case No. 291 CT

Master Case BER-L-11575-14

Hon. Rachelle Lea Harz, J.S.C.

**ORDER – MARCH 2017 POOL DISCOVERY
CASE SELECTIONS**

THIS MATTER having come before the Court on the application of Defendants Ethicon, Inc. and Johnson & Johnson (“Defendants”), objecting to discovery pool cases proffered by Plaintiffs for the next trial setting in this Multi-County Litigation, and Defendants having filed a Notice of Objection to Plaintiffs’ Mixed-Product Pool of Case Selections on March 9, 2017, objecting to Plaintiffs’ case selections on multiple grounds which are set forth in detail in that filing, and the Court having heard the positions of the parties by telephonic conference on March 9, 2017 (with Adam Slater, Esq. of Mazie Slater Katz & Friedman appearing for Plaintiffs and Kelly Crawford, Esq. from Riker Danzig Scherer Hyland & Perretti LLC appearing for

Defendants), and again on March 10, 2017 (Kelly Crawford, Esq. from Riker Danzig Scherer Hyland & Perretti LLC and William Gage, Esq. of Butler Snow appearing for Defendants), and good cause appearing:

IT IS on this ^{9th} ~~13th~~ day of ^{May} ~~March~~, 2017,

ORDERED that the Court hereby overrules each objection raised by Defendants in the aforementioned Notice of Objections and as such, will not require changes to the Plaintiffs four case selections in the current pool of discovery cases. The Court has, however, provided guidance to the parties regarding the scope of permissible examination of treating physicians who have served as Defense experts as discussed in In re Pelvic Mesh/ Gynecare Litigation, 426 N.J. Super. 167 (2012). It is the Court's opinion that the decision does not preclude Defendants from questioning such witnesses to the full extent permitted under Stigliano v. Connaught Labs Inc., 140 N.J. 305, 311 (1995) and related cases ~~should Plaintiffs call such treating physicians to testify at trials involving their patients.~~ *at the time of their depositions.*

IT IS FURTHER ORDERED THAT a copy of this Order shall be served on Plaintiffs' Liaison Counsel and all counsel of record via LNFS within 5 days of the date hereof.


Hon. Rachelle Lea Harz, J.S.C.

Opposed

Unopposed