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In re: Pelvic Mesh/Gynecare Litigation

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – BERGEN COUNTY

**FILED**

**FEB 05 2015**

**BRIAN R. MARTINOTTI**  
J.S.C.

CIVIL ACTION

CASE NO. 291

MASTER CASE NO. BER-L-11575-14

**ORDER**

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THIS MATTER having been opened to the Court by Nagel Rice, LLP and The Potts Law Firm, LLP, counsel for Plaintiffs, and counsel for Defendants Ethicon, Inc., Ethicon Women's Health and Urology, Gynecare, and Johnson and Johnson (hereinafter referred to as the "Defendants"); and

WHEREAS, Nagel Rice, LLP and The Potts Law Firm, LLP have recently filed over 1,000 individual cases in the above-referenced Master Case (hereinafter referred to as "The Potts Cases");

WHEREAS, the parties seek to minimize the administrative and logistical burden The Potts Cases will place on the Court and the parties; and

WHEREAS, all parties consent to the entry of this Order, and for good cause shown,

IT IS on this 5<sup>th</sup> day of February, 2015 ORDERED:

1. The provisions contained herein apply only to the Potts Cases referenced above and shall not be construed as impacting or amending any prior Orders or other cases in In re: Pelvic Mesh/Gynecare Litigation; and
2. Defendants Ethicon, Inc., Ethicon Women's Health and Urology, Gynecare, and Johnson and Johnson hereby waive formal service requirements of the Complaints in the Potts Cases, and service upon counsel referenced below ("Riker Danzig") will constitute good and valid service; and
3. Plaintiffs' counsel will serve upon Riker Danzig the Complaints in the Potts Cases electronically via PDF files on a CD or DVD; and

4. Plaintiffs' counsel will not serve more than 40 Potts Case Complaints per week upon Riker Danzig and weekly service will be made on or prior to Tuesday of each week; and
5. None of the Potts Cases which are served pursuant to this Consent Order will be dismissed for lack of prosecution; and
6. Defendants' counsel may file Stipulations in Lieu of Short Form Answers for the Potts Cases listing the specific Plaintiffs and Docket Numbers to which said Stipulation applies in an exhibit. Defendants will not be required to file individual Short Form Answers, provided: Counsel of Record is notified of the filing of such Stipulation by electronic mail and the Stipulations are filed on LexisNexis File and Serve, and Defendants pay the individual filing fees for each case listed in said Stipulation exhibit; and
7. Plaintiffs' counsel will serve 80 Plaintiff Fact Sheets per month until all the Plaintiff Fact Sheets are served in the Potts Cases; and
8. Defendants' counsel will serve corresponding Defendant Fact Sheets in a minimum of 10 Potts Cases per week, in the order of receipt of Plaintiff Fact Sheets, until all the Defendant Fact Sheets are served in the Potts Cases; and
9. Plaintiffs' counsel may serve the Plaintiff Fact Sheets in the Potts Cases electronically via CD or DVD; and
10. Plaintiffs' counsel and Defendants' counsel shall serve copies of Plaintiff Fact Sheets and Defendant Fact Sheets on Plaintiffs' liaison counsel as provided for in CMO No. 5, paragraph 7; and
11. A copy of this Order will be served upon all Counsel of Record by Plaintiffs' counsel within 10 days of receipt thereof.



Hon. Brian Martinotti