
**IN RE: PELVIC MESH/GYNECARE
LITIGATION**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
CASE NO. 291
MASTER DOCKET NO.: BER-1-11575-14

CIVIL ACTION

FILED

SEP 25 2018

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

**TVT-O PRE-TRIAL SCHEDULING ORDER
(SECOND AMENDED)**

THIS MATTER having been brought before the Court jointly by Defendants Ethicon, Inc. and Johnson & Johnson ("Defendants"), through their counsel Riker Danzig Scherer Hyland & Perretti, LLP, and Plaintiffs, through Plaintiffs' liaison counsel, and for good cause shown;

IT IS on this ^{25th} day of September, 2018, ORDERED that the following pre-trial deadlines are hereby set for the 2018 trial involving TVT-O:

- I. Trial Date Change – The trial, which had been moved forward from December 3, 2018, to November 26, 2018, is now rescheduled for **February 18, 2019**.
- II. Fact Discovery — Any outstanding fact discovery will be completed by **November 16, 2018**.
- III. Expert Discovery
 1. Plaintiffs' expert reports shall be served by **November 30, 2018**.
 2. Defendants' expert reports shall be served by **January 2, 2019**.

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3. The parties shall make best efforts to complete all necessary plaintiff expert depositions by **December 14, 2018** (no plaintiff expert need be produced for deposition before all corresponding defense expert reports are served with adequate time for review), and all necessary defense expert depositions by **January 11, 2019**.

IV. Pre-trial motions

1. Pre-trial motions (dispositive, Kemp/Accutane, *in limine*) shall be served and filed directly with Judge Harz's chambers by **January 18, 2018**.
2. Oppositions to pre-trial motions shall be filed and served by **February 5, 2019**.
3. Only where necessary, on leave of Court, limited replies shall be filed and served by **February 11, 2019**.
4. Oral argument on pretrial motions and any disputed deposition designations shall commence on **February 13, 2019**, continuing day to day as necessary.
5. The Court shall issue rulings on pretrial motions that impact deposition designation disputes, and/or opening statements, or other such issues that must be resolved prior to opening statements by no later than **February 15, 2019**.

V. Deposition designations

1. The parties shall exchange affirmative deposition designations for case-specific and non-case specific witnesses on or before **December 14, 2018**. The designations shall be identified by page and line number and the

parties have agreed to use the same Excel spreadsheet format for ease of reference and exchange. The designations shall specifically identify exhibits to be offered through the deposition testimony. The designations shall clearly highlight the deposition designations not previously addressed in the Hrymoc or Burns matters.

2. Any objections to the designations or any of the accompanying exhibits sought to be entered through the deposition testimony, and any counter-designations and accompanying exhibits sought to be entered through the counter-designation testimony, shall be exchanged on or before **January 4, 2019**.
3. Plaintiffs shall advise Defendants of any witness for whom Defendants have identified deposition designations to which Plaintiffs will object on the grounds that the witness needs to be brought live to trial rather than played by video on or before **January 4, 2019**.
4. Any objections to the counter-designations and exhibits, and any counter-counter-designations to an opposing party's counter-designations, shall be exchanged on or before **January 11, 2019**.
5. The parties shall meet and confer no later than **January 25, 2019**, to resolve objections to the designated testimony and exhibits and to resolve any proposed redactions to exhibits.
6. The Court shall commence hearings to resolve all outstanding objections relating to the deposition designations and exhibits (and pretrial motions) on **January 28, 2019**, continuing through **February 1, 2019**, if necessary.

7. The Court shall issue rulings regarding disputed deposition designations by no later than **February 1, 2019**.

VI. Trial witnesses and exhibits

1. The parties shall exchange witness lists on or before **January 11, 2019**.
2. On or before **January 11, 2019**, Plaintiffs shall advise Defendants of Defendants' corporate witnesses whom they request to call as live witnesses at trial.
3. The parties shall disclose the identities of live witnesses who will testify at trial at least two business days prior to when the witness will be called. If the witness will be called on a Monday, then the witness must be disclosed by the end of court day on the preceding Friday.
4. The parties shall exchange their lists of all exhibits that may be offered during each party's case in chief no later than **January 18, 2019**. Demonstratives and exhibits to be utilized solely for impeachment purposes need not be included. The exhibit list shall be in the form of an Excel spreadsheet. The parties may supplement their exhibit lists from time to time prior to and during trial, provided that the supplementations are reasonable in terms of scope and number of documents. The parties shall meet and confer regarding the deadline and manner by which they will exchange copies of all exhibits (e.g., on a hard drive, as separate .pdf or .tiff images, etc.).

5. If a party elects to submit a paper copy of proposed exhibits to the Court for any purpose, and if the Court so permits, a duplicate shall also be provided to the adverse party.

VII. Jury instructions

1. The parties shall exchange initial proposed jury instructions by **February 11, 2019**, and thereafter shall meet and confer regarding jury instructions.
2. The Court shall hold a preliminary jury charge conference regarding the scope of substantive law to be applied in each plaintiff's case following the oral arguments regarding the pre-trial motions during the week of **February 13, 2019**.

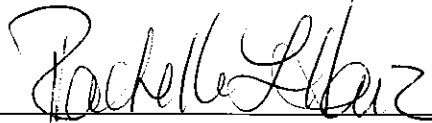
VIII. Jury selection

1. The parties shall meet and confer on a juror questionnaire by **January 11, 2019**.
2. A proposed agreed upon jury questionnaire must be submitted to the Court on or before **January 21, 2019**. If the parties are unable to agree upon a form of juror questionnaire, the parties shall submit competing forms and identify for the Court those questions upon which they cannot agree.
3. The parties shall agree upon a service to copy the final questionnaire to ensure that there are sufficient copies for distribution to the jury pool and for duplication of the completed questionnaires for distribution among counsel. The cost of copying shall be borne equally by Plaintiffs and Defendants.

4. By **January 21, 2019**, the parties shall submit a concise descriptive statement of the nature of the case not to exceed one page in length for the Judge's use during jury selection.
5. It is the Court's intention to begin jury selection on **February 18, 2019**, with jurors to complete questionnaires on **February 13, 14 and 15, 2019**, such that opening statements can commence upon completion of jury selection during the week of **February 18, 2019**.

IX. Commencement of Trial — Opening statements are expected to commence on or about **February 20, 2019**.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within seven (7) days of the date of this Order.



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