

Kelly S. Crawford - NJ Attorney ID 029141993
RIKER DANZIG SCHERER HYLAND & PERRETTI LLP
Headquarters Plaza
One Speedwell Avenue
Morristown, NJ 07962-1981
(973) 538-0800

FILED

JUN 25 2018

RACHELLE L. HARZ
J.S.C.

Attorneys for Defendants,
Ethicon, Inc. and Johnson & Johnson

ELIZABETH AND TADEUSZ HRYMOC,

Plaintiffs,

vs.

ETHICON, INC., ETHICON
WOMEN'S HEALTH AND UROLOGY, a
Division of ETHICON, INC.,
GYNECARE, JOHNSON & JOHNSON,
and JOHN DOES 1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY
DOCKET NO. BER-L-13696-14 MCL

MASTER DOCKET NO. BER-L-11575-14

CIVIL ACTION

In Re Pelvic Mesh/Gynecare Litigation
Case No. 291

**ORDER GRANTING STAY OF EXECUTION OF
JUDGMENT PENDING APPEAL AND APPROVING
SUPERSEDEAS BOND**

THIS MATTER having been brought before the Honorable Rachelle Lea Harz, J.S.C. by Defendants Ethicon, Inc. and Johnson & Johnson ("Defendants") for an Order Granting Stay of Judgment Pending Appeal of 1) the Order For Judgment entered on June 1, 2018, and 2) the Court's March 5, 2018 denial of Defendants' Motion for Judgment Notwithstanding the Verdict, or Alternatively, for a New Trial and for Approval of Supersedeas Bond in the amount of \$16,898,109.36; and this Court having considered the submissions of the parties, and for good cause shown;

6/27
JLB

IT IS on this 25 day of June, 2018,

ORDERED that Defendants' Motion for an Order granting a stay of execution of judgment pending appeal is hereby granted; and

IT IS FURTHER ORDERED that Defendants' Motion for approval of the attached executed Supersedeas Bond in the amount of \$16,898,109.36 is hereby granted; and

IT IS FURTHER ORDERED that the stay of execution of the June 1, 2018 Order of Judgment shall expire upon the disposition of all appeals; and it is further

ORDERED that a copy of this Order shall be served upon all counsel within 7 days of the dates hereof.


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

Opposed

Unopposed

except as to rate of interest 1/1/2019.

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

Address of surety for service:

FEDERAL INSURANCE COMPANY
202B Halls Mill Road
Whitehouse Station, NJ 08889

Address of Principal for service:

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

Bond Number: 82397727

Attorneys for Defendant:

Riker Danzig Scherer Hyland & Perretti LLP
One Speedwell Avenue
Morristown, New Jersey 07962-1981

UNDERTAKING ON APPEAL

Docket No. BER-I-013696-14
Master Case No. BER-L-11575-14

ELIZABETH HRYMOC AND TADEUSZ HRYMOC ,
Plaintiffs,

v.

**ETHICON, INC.; ETHICON WOMEN'S HEALTH AND
UROLOGY, a Division of ETHICON, INC.; GYNECARE,
JOHNSON & JOHNSON AND JOHN DOES 1-20,**
Defendants.

WHEREAS, defendants **Johnson & Johnson and Ethicon, Inc.** desires to give an undertaking for its appeal to the Superior Court of New Jersey of the judgment awarded to plaintiffs Elizabeth Hrymoc and Tadeusz Hrymoc on June 1, 2018 in the amount of \$16,092,387.76,

NOW, THEREFORE, the undersigned surety, a corporation authorized to transact a surety insurance business in the State of New Jersey, hereby obligates itself to pay to plaintiffs **ELIZABETH HRYMOC AND TADEUSZ HRYMOC** any part of the judgment that is not reversed, remanded, vacated or modified, and interest, damages and costs. In no event shall the obligation of the surety under this undertaking exceed SIXTEEN MILLION EIGHT HUNDRED NINETY EIGHT THOUSAND ONE HUNDRED NINE and 36/100 (\$16,898,109.36) dollars.

IN TESTIMONY WHEREOF, the said surety has caused its corporate name and seal to be hereunto affixed by its duly authorized officer at **New York, New York** by the undersigned who declared that he is a duly authorized Attorney-in-Fact for said surety acting under the attached unrevoked power of attorney.

Signed on this 18th day of June, 2018.

Federal Insurance Company

By: _____

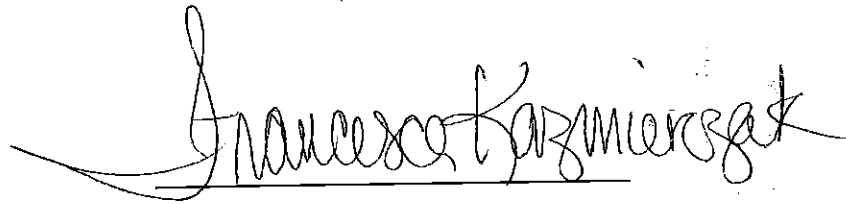
Frances Rodríguez, Attorney-in-Fact

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

ACKNOWLEDGEMENT OF SURETY

STATE OF NEW YORK)
CITY OF NEW YORK) SS:
COUNTY OF KINGS)

On this 18th day of June in the year 2018, before me personally came to me known, who, being by me duly sworn, did depose and say that Frances Rodriguez he/she resides in New York, New York, that he/she is the Attorney-in-Fact of Federal Insurance Company the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.



Notary Public or Commissioner of Deeds

Francesca Kazmierczak

Commission Expires: 02/13/2021



Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Debra A. Deming, Sandra Diaz, Cynthia Farrell, Peter Healy, Francesca Kazmierczak, Kristine Mendez, Aklima Noorhassan, Edward J. Reilly, Frances Rodriguez and Nancy Schnee of New York, New York-----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 31st day of January, 2018.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

SS.

On this 31st day of January, 2018 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2318866
Commission Expires July 16, 2019

Handwritten signature of Notary Public.

Notary Public.

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
(2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
(3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
(5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in the U.S. Virgin Islands, and Federal is licensed in Guam, Puerto Rico, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this June 18, 2018



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT: Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

FEDERAL INSURANCE COMPANY

STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

DECEMBER 31, 2017

(in thousands of dollars)

<i>ASSETS</i>		<i>LIABILITIES AND SURPLUS TO POLICYHOLDERS</i>	
Cash and Short Term Investments.....	\$ (78,340)	Outstanding Losses and Loss Expenses	\$ 10,545,326
United States Government, State and Municipal Bonds	7,063,387	Unearned Premiums.....	2,087,124
Other Bonds.....	5,366,068	Ceded Reinsurance Premiums Payable.....	739,431
Stocks.....	134,041	Provision for Reinsurance	57,140
Other Invested Assets.....	1,006,599	Other Liabilities.....	1,044,341
TOTAL INVESTMENTS	13,491,755	TOTAL LIABILITIES	14,473,362
Investments in Affiliates:		Capital Stock.....	20,980
Chubb Investment Holdings, Inc.	3,890,677	Paid-In Surplus.....	3,209,193
Great Northern Insurance Company	557,388	Unassigned Funds	4,066,505
Vigilant Insurance Company.....	327,316		
Chubb Indemnity Insurance Company.....	171,786		
Chubb National Insurance Company	171,493		
Chubb European Investment Holdings, SLP .	119,836	SURPLUS TO POLICYHOLDERS	7,296,678
Other Affiliates	76,806		
Premiums Receivable	1,594,780		
Other Assets	1,368,203		
TOTAL ADMITTED ASSETS	\$ 21,770,040	TOTAL LIABILITIES AND SURPLUS.....	\$ 21,770,040

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners.
At December 31, 2017, investments with a carrying value of \$558,430,596 were deposited with government authorities
as required by law.

State, County & City of New York, — ss:

Dawn M. Chloros, Assistant Secretary of the Federal Insurance Company

being duly sworn, deposes and says that the foregoing Statement of Assets, Liabilities and Surplus to Policyholders of said Federal Insurance Company on December 31, 2017 is true and correct and is a true abstract of the Annual Statement of said Company as filed with the Secretary of the Treasury of the United States for the 12 months ending December 31, 2017.

Subscribed and sworn to before me
this March 1, 2018.

Jeanette Shipsey

Notary Public

JEANETTE SHIPSEY
Notary Public, State of New York
No. 02SH5074142
Qualified in Nassau County
Commission Expires March 10, 2019

Dawn M. Chloros

Assistant Secretary