

**FILED**

**JUN 08 2016**

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

Kelly S. Crawford – NJ Attorney ID #29141993  
RIKER, DANZIG, SCHERER, HYLAND & PERRETTI LLP  
Headquarters Plaza  
One Speedwell Avenue  
Morristown, NJ 07962-1981  
(973) 538-0800

Attorneys for Defendants

IRENE M. KORZEB,

Plaintiff,

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-15739-14

MASTER DOCKET NO. L-11575-14-CT

CIVIL ACTION

In Re Pelvic Mesh/Gynecare Litigation  
Case No. 291

**PRE-TRIAL SCHEDULING ORDER**

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 8<sup>th</sup> day of June 2016, ORDERED as follows:

1. Pursuant to the Court's March 2, 2016 case management conference and order and April 13, 2016 case management conference in the matter of In Re Pelvic Mesh/Gynecare Litigation, Case No. 291:

- a. The June 1, 2016 trial date is adjourned to September 6, 2016.
- b. The parties have advised the Court that the Watkins case is being dismissed with prejudice.
- c. The Cantrell case is removed from the current trial list and is being dismissed without prejudice.
- d. Korzeb v. Ethicon, BER-L-15739-14, is selected for trial beginning September 6, 2016. In the event that Korzeb is settled or dismissed, Smith v. Ethicon, BER-L-16720-14, shall be the next case selected for trial. Discovery shall continue in Smith.

2. The following schedule will apply to Korzeb:

- a. Any outstanding fact discovery will be completed by **May 13, 2016**.
- b. Plaintiffs' expert reports shall be served by **May 23, 2016**.
- c. Defendants' expert reports shall be served by **June 6, 2016**.
- d. Expert depositions shall be completed by **July 6, 2016**.
- e. Pre-trial motions (dispositive, Kemp, motions *in limine*) shall be filed (directly with Judge Harz's chambers with courtesy copies to Judge Martinotti) and served by **July 12, 2016**.
- f. Oppositions to pretrial motions shall be filed and served by **August 2, 2016**.
- g. Only where necessary, limited requests for leave to submit replies to pre-trial motions, with the proposed reply papers shall be filed and served by **August 5, 2016**.
- h. Oral argument on pretrial motions shall be **August 8, 2016**, unless the Court directs another later date.

3. Other Trial Submissions (Korzeb):
- a. The parties shall exchange affirmative deposition designations for case-specific and non-case specific witnesses on or before **June 10, 2016**. The designations shall be identified by page and line number and the parties should meet and confer to agree upon using the same Excel spreadsheet format for ease of reference and exchange. The designations shall specifically identify exhibits to be offered through the deposition testimony. On or before **July 20, 2016**, Plaintiffs shall advise Defendants of Defendants' corporate witnesses whom they request to call as live witnesses at trial.
  - b. Any objections to 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 **July 8, 2016**.
  - c. Any objections to the counter-designations and exhibits, and any counter-designations to an opposing party's counter-designations, shall be exchanged on or before **July 18, 2016**. No additional testimony may be designated after July 18, 2016, absent leave of Court.
  - d. The parties shall meet and confer no later than **July 25, 2016**, to resolve objections to testimony and exhibits to be admitted through the designations and to resolve any proposed redactions to exhibits.

- e. Deposition designations agreed upon to be read at trial, along with identified exhibits as agreed and properly redacted, as well as any deposition designations and related exhibits in dispute shall be submitted to the Court by **August 1, 2016**.
- f. The Court shall hold hearings to resolve outstanding objections during the week of **August 1, 2016 to August 5, 2016**.
- g. The parties shall exchange witness lists on **August 1, 2016**.
- h. The parties shall exchange their lists of exhibits that may be offered during each party's case in chief no later than **August 1, 2016**. Demonstratives and exhibits to be utilized solely for impeachment 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 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.)
- i. If a party elects to submit a hard 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.
- j. 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.

- k. The parties shall exchange initial proposed jury instructions by **August 20, 2016**, and thereafter shall meet and confer regarding jury instructions.

4. Jury Selection

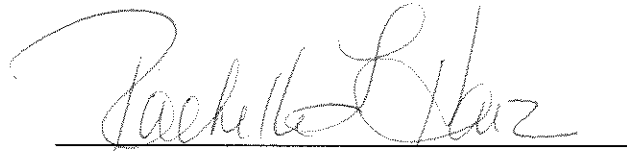
- a. The parties shall meet and confer on a juror questionnaire by **August 8, 2016**.
- b. A proposed agreed jury questionnaire must be submitted to the Court on or before **August 22, 2016**. If the parties are unable to agree upon a form of juror questionnaire, the parties should submit competing forms and identify for the Court those questions upon which they cannot agree.
- c. The parties shall agree upon a service to copy the final questionnaire to insure 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 Plaintiff and Defendants.
- d. By **August 22, 2016**, the parties shall submit a concise descriptive statement of the nature of the cause of action not to exceed three pages in length for the judge's use during jury selection.
- e. It is the Court's intention to bring in a jury pool during the week of **August 29, 2016**, address hardship issues, and distribute the jury questionnaires to the remaining venire pool to be completed during the week of **August 29, 2016**, such that jury selection will begin on **September 6, 2016**.

5. Commencement of Trial

- a. Opening statements will commence on the first full court day following the selection of the jury (with the goal of no later than **September 12, 2016.**).

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within \_\_\_\_\_ days of the date of this Order.

Dated: \_\_\_\_\_

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

4737808v1