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FILED
AUG 28 2023
GREGG A. PADOVANO, J.S.C.

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Ethicon, Inc. and Johnson & Johnson

<p>IRENA D. PERCIA and STEPHEN A. PERCIA,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>ETHICON, INC., ETHICON WOMEN'S HEALTH AND UROLOGY, a Division of ETHICON, INC., GYNECARE, JOHNSON & JOHNSON, and JOHN DOES 1-20,</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION - BERGEN COUNTY DOCKET NO. BER-L-9279-15 MCL</p> <p>MASTER DOCKET NO. BER-L-11575-14</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">In Re Pelvic Mesh/Gynecare Litigation, Case No. 291</p>
<p>IRENA D. PERCIA and STEPHEN A. PERCIA,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>HACKENSACK MEDICAL CENTER, ET AL.</p> <p style="text-align: right;">Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION - BERGEN COUNTY DOCKET NO. BER-L-2192-15</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">CASE MANAGEMENT ORDER (Second Amended)</p>

THIS MATTER having been brought before the Court
jointly by Defendants Ethicon, Inc. and Johnson & Johnson

("Ethicon"), through their counsel Riker Danzig LLP (Kelly S. Crawford, Esq.), Defendant Alex Coccoziello, D.O. and Coccoziello & Coccoziello ("Coccoziello"), through their counsel Stahl & DeLaurentis, P.C. (Dominic DeLaurentis, Esq.) (collectively "Defendants"), and Plaintiffs Irena D. Percia and Stephen A. Percia ("Plaintiffs"), through their counsel Miller and Gaudio, P.C. (Frank Gaudio, Esq.), and the Court having held a case management conference via videoconference on November 1, 2022, and for good cause shown;

IT IS on this 28TH day of August, 2023, ORDERED that the following pre-trial deadlines are hereby set:

- I. Fact Discovery - Fact Discovery has been completed.
- II. Expert Discovery
 1. By **July 31, 2023**, Plaintiffs are to advise Defendants if the plaintiff has or intends to submit to an IME by plaintiffs' case specific expert, and provide possible dates between **October 31** and **November 21, 2023** when the plaintiff can travel for an IME to be conducted by each of the Defendants' experts. The Ethicon Defendants' IME will be conducted in Huntington, NY. Defendants will then send plaintiffs' counsel an email confirming the name of the defense expert, his or her qualifications, the location, date and time of

the IME. This information will then be formalized in a Notice for IME that complies with the New Jersey Court Rules.

2. Plaintiffs' expert reports shall be served by **October 31, 2023**. If Plaintiffs fail to serve all expert reports by the deadline without having obtained prior leave of the Court, the case may be dismissed with prejudice.
3. Defendants' expert reports shall be served by **December 15, 2023**.
4. The parties shall make best efforts to complete all necessary plaintiff expert depositions by **January 19, 2024** and all necessary defense expert depositions by **February 29, 2024**. Defense expert depositions will not be conducted until after completion of plaintiff expert depositions.
5. Expert discovery shall be completed by **February 29, 2024**.

III. Pre-trial motions

1. Pre-trial motions (dispositive, Kemp/Accutane, *in limine*) shall be served by **April 2, 2024**. Consistent with the practice in this MCL, the original motion papers shall be submitted directly to the trial judge's chambers. Only Notices of

Motion and Forms of Order shall be submitted for filing with the Clerk's office (either via JEDS or in hard copy).¹

2. Oppositions to pre-trial motions shall be filed and served by **May 10, 2024**.
3. Only where necessary, on leave of Court, limited replies shall be filed and served by **May 17, 2024**.
4. Oral argument on pretrial motions and any remaining outstanding disputed deposition designations shall commence on **[To be determined by later order of the Court]**, continuing day to day as necessary.
5. The Court shall issue rulings on pretrial motions and any outstanding deposition designation disputes that impact opening statements, or other such issues that must be resolved prior to opening statements by no later than **[To be determined by later order of the Court]**.

IV. Deposition designations

1. The parties shall exchange affirmative deposition designations for case-specific and non-case specific witnesses on or before **March 29, 2024**. The designations shall be identified by page and

¹This MCL is not an eCourts docket; no filings are to be made on eCourts in this MCL.

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.

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 **April 29, 2024**.
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 **April 29, 2024**.
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 **May 20, 2024**.
5. The parties shall meet and confer no later than **June 7, 2024**, 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 during the week of **[To be determined by later order of the Court]**, continuing as necessary.

7. The Court shall issue rulings regarding disputed deposition designations by no later than **[To be determined by later order of the Court]**.

V. Trial witnesses and exhibits

1. On or before **April 29, 2024**, Plaintiffs shall advise Defendants of Defendants' corporate witnesses whom they request to call as live witnesses at trial.

2. The parties shall exchange witness lists on or before **May 20, 2024**.

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 **May 20, 2024**. The Exhibit list must be separated by General and Case-Specific Exhibits. The parties shall meet and confer to attempt to establish a limit on the number of exhibits that may be utilized by each party. Medical literature, demonstratives and exhibits to be utilized solely for impeachment purposes need not be included on the Exhibit List, however there shall be exchanged on the same date a separate list of medical literature. 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 parties.

VI. Jury instructions

1. The parties shall exchange initial proposed jury instructions by **[To be determined by later order of the Court]**, and thereafter shall meet and confer regarding jury instructions.

VII. Jury selection

1. The parties shall meet and confer on a juror questionnaire by **[To be determined by later order of the Court]**.
2. A proposed agreed upon jury questionnaire must be submitted to the Court on or before **[To be determined by later order of the Court]**. 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

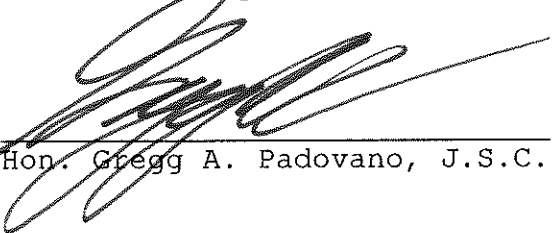
copying shall be borne equally by Plaintiffs and Defendants.

4. By **[To be determined by later order of the Court]**, 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. Jury selection will begin on **[To be determined by later order of the Court]**, with jurors to complete questionnaires (both short form hardship and long form) on **[To be determined by later order of the Court]**.

VIII. Commencement of Trial - Opening statements will commence on or as soon after **[To be determined by later order of the Court]**, following jury selection.

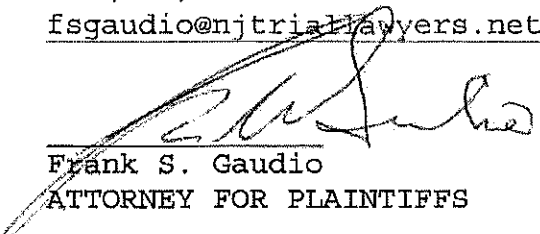
IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel within seven (7) days of the date of this Order.



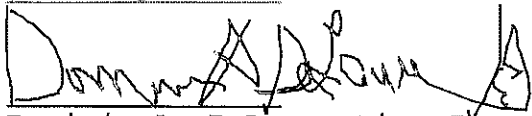
Hon. Gregg A. Padovano, J.S.C.

CONSENTED TO AS TO FORM AND ENTRY:

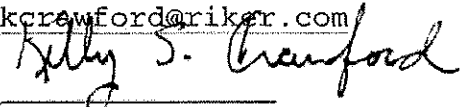
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Dated: July 15 , 2023