

FILED

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

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

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

IRENA D. PERCIA AND STEPHEN A. PERCIA
(HUSBAND AND WIFE),

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-9279-15 MCL

MASTER DOCKET NO. BER-L-11575-14

CIVIL ACTION

In Re Pelvic Mesh/Gynecare Litigation,
Case No. 291

IRENA D. PERCIA AND STEPHEN A. PERCIA
(HUSBAND AND WIFE),

Plaintiffs,

vs.

HACKENSACK MEDICAL CENTER, ET AL.

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – BERGEN COUNTY
DOCKET NO. BER-L-2192-15

CIVIL ACTION

**ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING CROSS-MOTION
TO DISMISS MCL COMPLAINT**

THIS MATTER having been brought before the Court by Defendants Alexander Coccoziello, D.O. and Coccoziello & Coccoziello, M.D.'s, through their counsel Stahl & DeLaurentis, P.C. seeking an Order to Consolidate the pending medical malpractice matter of Percia v. Hackensack University Medical Center, et al., BER-L-2192-15, with the products liability matter pending in In Re Pelvic Mesh / Gynecare Litigation, Case No. 291 (the "MCL"), of Percia v. Ethicon, Inc., et al., BER-L-9279-15; and Plaintiffs, through their counsel Miller & Gaudio, P.C. having joined in the motion to consolidate, and Ethicon, Inc. and Johnson & Johnson having opposed the motion to consolidate and filed a Cross-Motion to Dismiss the Complaint in Percia v. Ethicon, Inc., et al., BER-L-9279-15, and the Court having considered the moving papers, opposition thereto, having heard oral argument on October 28, 2016; and for good cause shown,

IT IS on this 31st day of October ~~November~~ 2016, ORDERED THAT:

1. The Coccoziello Defendants' Motion to Consolidate is hereby GRANTED.
2. The medical malpractice matter of Percia v. Hackensack University Medical Center, et al., BER-L-2192-15, despite having an older docket number, shall be and is hereby consolidated with the products liability matter of Percia v. Ethicon, Inc., et al., BER-L-9279-15, which is pending in the In Re Pelvic Mesh / Gynecare Litigation MCL with the

primary governing docket number henceforth being the MCL docket number of BER-L-9279-15, and the consolidated matter to become one of the Gynecare MCL matters assigned to the Honorable Rachelle Harz for case management, as would be consistent with the Supreme Court Notice to the Bar dated October 12, 2010, establishing a multi-county litigation for complaints “involving the use of pelvic mesh products manufactured by Ethicon, Inc., Ethicon Women’s Health and Urology, Gynecare, and/or Johnson & Johnson.”

3. This consolidated matter shall have no special preference in the pending MCL and shall be among the pool of cases pending there; however, consistent with this Order, the motion filed by the Hackensack University Medical Center Defendants in the medical malpractice action pending in Percia v. Hackensack University Medical Center, et al., BER-L-2192-15, shall be transferred to Judge Harz for disposition.
4. The docket discovery end date of December 12, 2016, for the Percia v. Hackensack University Medical Center, et al., BER-L-2192-15, shall be lifted and/or have no further force and effect until further order of the this Court, as all discovery shall be addressed by the case management practices and procedures established in the Gynecare MCL.
5. The Cross-Motion of Ethicon Inc. and Johnson & Johnson to Dismiss Plaintiffs’ Products Liability case in BER-L-9279-15 is DENIED.

6. A copy of this Order shall be served on all counsel within seven (7) days of its receipt by counsel.



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

Opposed

Unopposed

The Court's findings of Fact and Conclusions of Law Were Placed on the Record on the 28th Day of October, 2016, and were.

Written

Oral