

**FILED**

OCT 04 2018

JOHN C. PORTO, J.S.C.

**PREPARED BY THE COURT**

IN RE PHYSIOMESH LITIGATION  
(Flexible Composite Mesh)

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: SUPERIOR COURT OF NEW JERSEY  
 : LAW DIVISION: ATLANTIC COUNTY  
 : CASE NO: 627  
 : Civil Action  
 : MASTER CASE NO. ATL-L-2122-18  
 :  
 : **ORDER GRANTING RICHARD T.  
 BERNARDO, ESQUIRE, ADMISSION  
 PRO HAC VICE**

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**THIS MATTER** having been brought before the Court by McCarter & English, LLP, attorneys for Defendants, Johnson & Johnson and Ethicon, Inc., for an Order allowing Richard T. Bernardo, Esquire to appear and participate *pro hac vice*, and the Court having considered the application, and any opposition thereto, and with good cause appearing:

**IT IS**, on this 4<sup>th</sup> day of October, 2018;

**ORDERED** that Richard T. Bernardo, Esquire shall be admitted *pro hac vice* in the above-captioned matter; and it is

**FURTHER ORDERED** that Richard T. Bernardo, Esquire shall abide by the New Jersey Rules of Civil Procedure, including all disciplinary rules issued by the Supreme Court of New Jersey; and it is

**FURTHER ORDERED** that by reason of his admission, Richard T. Bernardo, Esquire consents to the appointment of the Clerk of the Supreme Court of New Jersey as his agent upon whom service of process may be made of all actions which may hereinafter be brought against him or his firm arising from their participation in this matter; and it is

**FURTHER ORDERED** that Richard T. Bernardo, Esquire shall notify this Court immediately if any matter arises which affects his standing before the Bar for the State of New York and the United States District Courts for the Southern and Eastern Districts of New York ; and it is

**FURTHER ORDERED** that all pleadings, briefs and other papers filed on behalf of Defendants, Johnson & Johnson and Ethicon, Inc., shall also be signed by a member of the firm of McCarter & English, LLP, and that firm shall be responsible for such papers and the conduct of this case and the attorney admitted herein; and it is


**FURTHER ORDERED** that Richard T. Bernardo, Esquire pay the required annual fees to the New Jersey Lawyers' Fund for Client Protection in accordance with New Jersey Rule 1:28-2, the Oversight Committee in accordance with Rule 1:20-1(b), and the Lawyers Assistance Program in accordance with Rule 1:28B-1(e) within ten (10) days of this Order and shall submit an affidavit of compliance; and it is

**FURTHER ORDERED** that no delay or adjournment in discovery, motions, trial or any other proceeding shall be requested by reason of Richard T. Bernardo, Esquire's inability to appear; and it is

**FURTHER ORDERED** that automatic termination of *pro hac vice* admission shall occur for failure to make the required annual payment of the Annual Fee and the annual payment to the Lawyer's Assistance Fund and the New Jersey Lawyer's Fund for Client Protection. Proof of such payment, after filing proof of the initial payment, shall be made no later than February 1st of each year; and it is

**FURTHER ORDERED** that non-compliance with any of these requirements shall constitute grounds for removal; and it is

**FURTHER ORDERED** that a signed copy of this Order be served upon all counsel within seven (7) days of the date hereof.



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HON. JOHN C. PORTO, J.S.C.

[ ] Opposed

[  ] Unopposed



**NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE COMMITTEE ON  
OPINIONS**

John C. Porto, J.S.C.

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**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
ATLANTIC COUNTY**

**MEMORANDUM OF DECISION ON MOTION**

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**RE:** In Re Physiomesh Litigation (Flexible  
 Composite Mesh)

**DOCKET NO.** ATL-L-2122-18

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**NATURE OF MOTION: Motion to Admit Richard T. Bernardo, Esquire *Pro Hac Vice* on behalf of Defendants.**

**HAVING CAREFULLY REVIEWED THE MOVING PAPERS AND ANY RESPONSE FILED, I HAVE RULED ON THE ABOVE CAPTIONED MOTION(S) AS FOLLOWS:**

Defendants, represented by David R. Knott, Esquire, brings this motion seeking an order to admit Richard T. Bernardo, Esquire *pro hac vice*. Mr. Knott is licensed to practice law within the State of New Jersey in accordance with Rule 1:21-1 and is a member of the law firm of McCarter & English, LLP. Richard T. Bernardo, Esquire is currently a member in good standing of the bar in the highest court for the State of New York and United States District Court for the Southern and Eastern Districts of New York. Mr. Bernardo is also a partner at the law firm of Skadden, Arps, Slate, Meagher & Flom, LLP. Mr. Bernardo has been a licensed attorney since 1989 and has developed expertise in the claims made against the Defendants. Moreover, Mr. Bernardo's representation was requested by Defendants. This motion is unopposed and is governed by R. 1:21-2, *Appearances Pro Hac Vice*.

R. 1:21-2 states in pertinent part that an attorney in good standing of another jurisdiction, whether practicing law in such other jurisdiction as an individual or a member or employee of a partnership or an employee of a professional corporation or limited liability entity authorized to

practice law in such other jurisdiction, or an attorney admitted in this state, of good standing, who does not maintain a *bona fide* office in this state, may, at the discretion of the court in which any matter is pending, be permitted, *pro hac vice*, to speak in such matter in the same manner as an attorney of this state who maintains a *bona fide* office for the practice of law in this state and who is therefore, pursuant to R. 1:21-1(a), authorized to practice in this state. No attorney shall be admitted under this rule without annually complying with R. 1:20-1(b) and R. 1:28-2 during the period of admission. Additionally, a party must demonstrate good cause for admission *pro hac vice*. R. 1:21-2(b)(3) provides:

In civil actions the motion shall be granted only if the court finds, from the supporting affidavit, that there is good cause for such admission, which shall include at least one of the following: (emphasis added)

- (A) the cause in which the attorney seeks admission involves a complex field of law in which the attorney is a specialist, or
- (B) there has been an attorney-client relationship with the client for an extended period of time, or
- (C) there is a lack of local counsel with adequate expertise in the field involved, or
- (D) the cause presents questions of law involving the law of the foreign jurisdiction in which the applicant is licensed, or
- (E) there is need for extensive discovery or other proceedings in the foreign jurisdiction in which the applicant is licensed, or
- (F) such other reason similar to those set forth in this subsection as would present good cause for the *pro hac vice* admission.

This Court finds, based on the certifications submitted in support of the application that the moving party articulated that Defendants requested the representation of Mr. Bernardo in this litigation. The Court finds the two certifications of counsel address a necessary element required under R. 1:21-1(a) and R. 1:21-2 for the Court to make the findings necessary at this time for *pro hac vice*. Accordingly, the Court GRANTS Defendant's Motion.

An appropriate Order consistent with R. 1:21-2(c) is entered. Conformed copies will accompany this Memorandum of Decision. A copy of the Order and this Memorandum of Decision shall be served by the movant on all counsel of record within seven (7) days of the date hereof.

  
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JOHN C. PORTO, J.S.C.

Date: 10/4/18