FILED

JAN 14 2021

JOHN C. PORTO, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
MASTER DOCKET NO. ATL-L-173-20

MCL CASE NO. 633

Civil Action

IN RE PROLENE HERNIA SYSTEM MESH LITIGATION

CASE MANAGEMENT ORDER NO. 15
[DEFENDANT FACT SHEET]

This matter having been opened to The Court at a Case Management Conference held on January 14, 2021; in the presence of the attorneys for the plaintiffs and the attorneys for the defendants; and good cause appearing;

IT IS on this 14th day of January, 2021,

ORDERED:

The Defendant Fact Sheet attached hereto as Exhibit A, is hereby adopted for use in cases selected for the Initial Discovery Pool pursuant to PHS Case Management Order No. 7 (Cases Selected for Individual Discovery) entered and filed on June 16, 2020 and for use in any future cases selected for individual discovery.

IT IS FURTHER ORDERED as follows:

1. For the cases selected for inclusion in the Discovery Pool, Defendants shall serve completed Defendant Fact Sheets for the Discovery Pool cases pursuant to the deadlines set forth in Case Management Order No. 5 using the form attached as Exhibit A hereto.
2. Defendants are required to provide Plaintiff, in his or her specific case, with a Defendant Fact Sheet that is substantially complete in all respects, answering every question in the Defendant Fact Sheet, even if Defendants can answer the questions in

good faith only by indicating "not applicable." The Defendant Fact Sheet shall be completed without objections as to the question posed in the Defendant Fact Sheet. However, nothing in this section prohibits Defendants from withholding or redacting information from medical or other records provided with the Defendant Fact Sheet based upon a recognized privilege. If a document that specifically pertains to the Plaintiff at issue in a particular Defendant Fact Sheet is withheld or redacted on the basis of privilege, Defendants shall provide Plaintiff, in his or her specific case, with a privilege log that complies with the Rules Governing the Courts of The State of New Jersey.

3. The Defendant Fact Sheet will be interpreted to limit the scope of inquiry at depositions nor will they affect whether evidence is admissible at trial. The admissibility of information in the Defendant Fact Sheet is governed by the Rules Governing the Courts of The State of New Jersey, and objections to admissibility are not waived by virtue of the completion and service of a Defendant Fact Sheet.
4. Consistent with their obligations under the Rules Governing the Courts of The State of New Jersey, the parties are under a continuing obligation to timely supplement or amend discovery responses and responsive documentation.
5. If Defendants fail to fully comply with the requirements above, Plaintiffs shall provide written notice within 10 days of receipt of a Defendant Fact Sheet of such failure and Defendants shall be provided 14 additional days to cure such deficiency ("Cure Period") to be calculated from the receipt of such notice of deficiency from counsel for the Plaintiffs. This letter shall include sufficient detail for the Parties to meet and confer regarding the alleged deficiencies. Additional time may be agreed-

upon, taking into account the nature of the deficiency and the amount of time reasonably necessary to cure the deficiency.

6. Other than as set forth herein, ***no other extensions will be granted unless agreed to by all Parties. Requests for extensions of time to serve the Defendant Fact Sheets should be submitted to Plaintiffs Lead Counsel at*** phsmcl@fleming-law.com. ***If the deficiency is not cured within the Cure Period (or such additional time as may be agreed upon by the parties), the Plaintiff may file an appropriate Motion with the Court.*** The Defendant shall thereafter have 14 days to file a Response to the Motion and show good cause why the relief is sought is not warranted. The Plaintiff may file a Reply brief within 7 days of the Response.

HONORABLE JOHN C. PORTO, J.S.C.

EXHIBIT A

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ATLANTIC COUNTY		
IN RE PROLENE HERNIA SYSTEM MESH LITIGATION **PLAINTIFF:** Insert	:	MASTER CASE NO. ATL-L-173-20 MCL CASE NO. 633 Civil Action **INDIVIDUAL CASE NO.:** Insert

DEFENDANTS' FACT SHEET

Defendants Ethicon, Inc. and Johnson & Johnson (collectively "Defendants") hereby submit the following Defendants' Fact Sheet ("DFS") responses for the above referenced case.

INSTRUCTIONS

Please provide the following information for plaintiff (or plaintiff's decedent) (hereinafter "Plaintiff") who was implanted with a PROLENE Hernia System device and, if applicable, another of Defendants' hernia mesh device(s) that is the subject of Plaintiff's complaint in the above referenced action.

In filling out this form, please respond on the basis of information and/or documents that are reasonably available to the Defendants. "Relevant Healthcare Provider(s)" as used herein means the physicians identified in the Plaintiff's Answers to Uniform Interrogatories ("Interrogatory Responses") who implanted or explanted Plaintiff's PROLENE Hernia System and/or any other hernia mesh product(s) manufactured by Ethicon that was implanted in Plaintiff (collectively "Hernia Mesh Product(s)") listed by Plaintiff in Interrogatory Responses to Form A Interrogatories Nos. 2 and 7. In addition, "produce" shall include, at Defendants' option, the physical production of documents to Plaintiff's counsel, the identification of how documents can be located in Defendants' document production in the MCL, or making documents available to Plaintiff's counsel on a dedicated DFS website.

I. CASE INFORMATION

A. Caption: _____

B. Docket No.: _____

II. PLAINTIFF'S HEALTHCARE PROVIDERS

1. Produce documents and information sufficient to identify all consulting agreements, if any, between Defendants and every Relevant Healthcare Provider, including, but not

limited to, agreements to provide advice on the design, study, testing or use of the PROLENE Hernia System device, or agreements to consult as a thought leader, opinion leader, member of a speaker's bureau or similar arrangement.

2. Produce documents and information sufficient to identify all monetary payments provided by Defendants to every Relevant Healthcare Provider, including amounts, dates and purpose.

3. Produce documentation and information regarding any training provided by or on behalf of Defendants to Plaintiff's Relevant Healthcare Providers or by Plaintiff's Relevant Healthcare Providers relating to Hernia Mesh Product(s), including but not limited to any documentation relating to attendance at any proctoring or preceptoring session, cadaver lab, wet lab or any other training or informational session.

4. Produce documentation and information sufficient to identify all documents relating to Hernia Mesh Product(s) that were provided to Plaintiff's Relevant Healthcare Providers and Plaintiff's Implanting Medical Facility(ies), including but not limited to correspondence, instructions, warnings, brochures, pamphlets, patient information, or sales, marketing or promotional information or material.

5. Produce documents and information reflecting or relating to communications between Ethicon and each Relevant Healthcare Provider, including but not limited to communications between the physician and any sales representative or other agent or employee of Defendants relating in any way to a Hernia Mesh Product(s) or any patient of the physician implanted with any Hernia Mesh Product(s).

6. Produce documents (using the methodology described below) collected from the Sales Representative(s) identified in Section III who was assigned to Plaintiff's implanting facility(ies) and/or implanting physician(s) at the time of Plaintiff's Hernia Mesh Product implant(s). The methodology shall include (1) collecting documents from the applicable sales representative; (2) culling the documents with the search terms used to filter documents for the Global Production and the name(s) of the Relevant Health Care Providers; and (3) producing all responsive documents. Plaintiff reserves the right to seek additional discovery from Sales Representatives and Ethicon reserves its right to object to such additional discovery.

III. SALES REPRESENTATIVE INFORMATION

1. PROLENE Hernia System: To the extent reasonably available, identify the sales representative who was assigned to the territory for the Relevant Healthcare Provider and/or implanting facility identified in the Interrogatory Responses for PROLENE Hernia System as: ***Insert Name of Implanting Facility*** including the time period the sales representative worked within the applicable territory.

Insert Name of Implanting Facility

Time Period	Sales Representative	Sales Representative Employment Status	Territory	Immediate Supervisor (Division Manager)

2. Other Hernia Mesh Product(s): To the extent reasonably available, identify the sales representative who was assigned to the territory for the Relevant Healthcare Provider and/or implanting facility identified in the Interrogatory Responses for any other Hernia Mesh Product(s) as: ***Insert Name of Implanting Facility*** including the time period the sales representative worked within the applicable territory.

Insert Name of Implanting Facility				
Time Period	Sales Representative	Sales Representative Employment Status	Territory	Immediate Supervisor (Division Manager)

IV. SALES DATA

1. Set forth the total number of Hernia Mesh Product(s), by product, sold to the implanting facility(ies) identified in the Interrogatory Responses and the total amount of gross sales for the Hernia Mesh Product(s), listed by year.

2. Produce all purchasing contracts that apply to the sale of the Hernia Mesh Product(s) with each applicable implanting facility in effect at the time of implant of each of the Hernia Mesh Product(s).

V. PLAINTIFF INFORMATION

1. Produce every Medical Device Complaint File, Adverse Event, MAUDE Report, or any similar file or document referencing Plaintiff with regard to Hernia Mesh Product(s).

2. Based on the lot number information found in the Interrogatory Responses, identify the location and date of manufacture for each Hernia Mesh Product.