

Eileen Oakes Muskett, Esquire
Attorney ID 020731994
Fox Rothschild, LLP
Midtown Building, Suite 400
1301 Atlantic Avenue
Atlantic City, New Jersey 08401
Phone: (609) 348-4515
Attorney for Defendant Merck Sharp & Dohme Corp.

FILED

SEP 20 2017

Judge James F. Hyland

IN RE: PROPECIA® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 623

CASE MANAGEMENT ORDER NO. 13

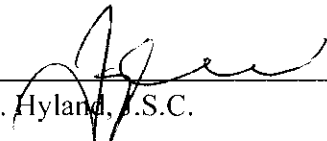
THIS MATTER, having come before the Court at a case management conference on September 13, 2017, concerning the status of this litigation, and for good cause having been shown;

IT IS on this 20th day of September, 2017, ORDERED as follows:

1. **Attorney Appearances** – Attorney Victoria Maniatis appeared on behalf of Plaintiffs. Attorneys Charles Morrow, Alyson Jones, and Eileen Oakes Muskett appeared on behalf of the Merck Defendants. Attorney Jennifer Suh appeared on behalf of the Bosley Defendants.
2. **Update on New Jersey Case Work Up** – The parties provided the Court with an update on case work-up and the bellwether selection process:
 - a. Mr. Morrow stated that fact discovery is nearing completion in the *Rowan* (Docket No. MID-L-2687-12) and *Kaufman* (Docket No. MID-L-6548-12) cases.

- b. Mr. Morrow asked that Merck be allowed to make three additional bellwether selections as Plaintiffs currently have four case selections in the bellwether pool while Merck only has one due to dismissals and the pending Motion to Withdraw in *Carter* (Docket No. MID-L-2466-12).
 - c. Ms. Maniatis placed a request on the record to confer with co-counsel regarding this selection Process. Plaintiffs' request to confer with co-counsel was denied.
 - d. The Court ordered Merck to select three additional cases for the bellwether pool on or before September 20, 2017. If the parties are unable to agree on the additional three cases for the bellwether pool, the Court will make the selections.
3. **Update on Certification Process** – The parties provided the Court with an update on the certification process:
- a. Mr. Morrow stated that at the time the agenda was due, no certification from Thomas Strong in Propecia Case Number 623, Docket No. MID-L-3917-16, was received, but that since submission of the agenda, an Order has since been entered dismissing the case.
 - b. The Court advised the parties that the only case in which a certification has not been received is *Christian Torres v. Merck Sharp & Dohme Corp.* (Docket No. MID-L-1938-13). The Court also advised the parties that it had not received certifications with original signatures from the plaintiff. Ms. Maniatis will determine the status of *Torres* and obtain the missing original signatures.
 - c. Mr. Morrow moved that any case without a certification be dismissed at this time.
 - d. The Court will allow Plaintiffs time to determine the status of *Torres* and clear up remaining issues with original signatures.

4. **MDL** – The parties advised the court that depositions of expert witnesses is commencing. The process is scheduled to be completed by November 6, 2017. The parties will then prepare for *Daubert* motions.
5. **Miscellaneous** – The Court advised the parties that filings require correct captions. All captions must include the name, court name, address, attorney ID number, Propicia 623, and original signatures. E-filing is not available for mass tort proceedings, and incorrect pleadings will be returned to the party. The Court also advised that page 15 of the prior hearing transcript should read “legal malpractice” rather than “malpractice.”
6. **Scheduling Order** – Mr. Morrow raised the issue that the deadlines in place under Amended CMO 6 will no longer work due to the need to continue with bellwether case work-up. Mr. Morrow asked that Amended CMO 6 be vacated and a new Order with additional dates be submitted. The Court advised the parties to prepare an agreed amended Scheduling Order.
7. The Court set the next Case Management Conference for October 17, 2017, at 10:00 a.m. EST.



James F. Hyland, J.S.C.