

FILED
DEC 05 2018
Judge James F. Hyland

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629

**CASE MANAGEMENT ORDER:
SEPTEMBER 26, 2018
CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a case management conference on September 26, 2018, and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 5th day of December 2018, ORDERED as follows:

1. **CASE LIST:**

- Counsel for Plaintiffs, Marc J. Bern & Partners LLP must resubmit its case list in the following format for administrative purposes: Docket Number, Caption, and Date of Filing.

2. **COMPLAINTS**

- All complaints filed in this MCL shall include a single plaintiff.
- For all complaints currently filed with the court that contain multiple plaintiffs, Plaintiffs' counsel shall file two motions to correct those pleadings
 - First, Plaintiffs' counsel shall file a motion to amend the caption to remove all of the plaintiffs except the first identified plaintiff in the case caption. The first identified plaintiff in the case caption of a multiple plaintiff complaint will remain assigned to that original docket number and case caption.

- Second, Plaintiffs' counsel shall file a motion to bifurcate the claims of each plaintiff, except the plaintiff identified first in the case caption. Each plaintiff shall file a separate complaint which will be assigned its own independent docket number once the motion to bifurcate is granted.
- The bifurcated and amended complaints shall retain their original filing and dates. The motions to amend and to bifurcate the claims of individual plaintiffs in complaints naming multiple plaintiffs shall be filed by December 28, 2018.
- Defense counsel shall file responsive pleadings in response to motions to amend the caption and new original responsive pleadings to the bifurcated complaints once the motions are granted pursuant to the deadlines set by the court's order. The amended answers or responsive pleadings shall retain their original filing dates.

3. **ANSWERS**

- Going forward, All Answers must name a single Plaintiff and will be applicable to only to the Plaintiff named.
- Answers already filed which are deficient as a result of naming multiple Plaintiffs shall not be filed. Counsel for Defendants may resubmit individual Answers to each Plaintiff's Complaint.

4. **COURT SUBMISSIONS**

- All pleadings should contain original signatures.
- All submissions to the court must be single sided.
- All submissions to the court shall be sent to: 56 Paterson Street, Tower Wing –second floor, Multi-County Litigation intake, New Brunswick, NJ 08901.
- Certifications of Compliance shall only be one page in length.

- Orders will be posted on the Judiciary Website: <https://www.njcourts.gov>.
- Orders will be uploaded to the Judiciary Website by Tuesday after a designated Motion Day, except for holidays.
- The Multi County Litigation website for the Zostavax Litigation is:
<https://www.njcourts.gov/attorneys/mcl/middlesex/zostavax.html>.
- Electronic filing of any kind shall will not be permitted on ECourts. No refunds will be issued for documents filled in ECourts.

5. **MOTIONS**

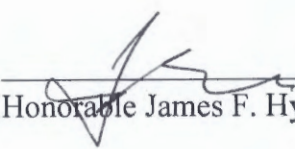
- All motions will be filed with the court by noon on the filing date prescribed by either court order or the New Jersey Court rules if no such court order applies.
- Parties seeking to submit short-notice Pro Hoc Vice Motions must receive prior approval from Judge Hyland.

6. **LIAISON COUNSEL**

- Eileen Muskett, Esquire of Fox Rothschild LLP shall serve as Defense Liaison counsel.
- Margaret Cordner, Esquire of Marc J. Bern & Partners LLP shall serve as Plaintiffs' Liaison counsel.

7. **NEXT CASE MANAGEMENT CONFERENCE**

- The next Case Management Conference is scheduled for December 12, 2018 at 10:00 AM.


Honorable James F. Hyland, J.S.C.