

FILED

MAR 22 2019

Judge James F. Hyland

IN RE: ZOSTAVAX® LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY

CASE NO. 629 L-4999-18

**CASE MANAGEMENT ORDER #3
MARCH 5, 2019
CASE MANAGEMENT CONFERENCE**

THIS MATTER, having come before the Court at a case management conference on March 5, 2019 and counsel for Plaintiffs and counsel for Defendants having been present, and for good cause having been shown;

IT IS on this 22nd day of March 2019, ORDERED as follows:

1. COURT SUBMISSIONS

- All pleadings filed with the Court must be provided via mail or hand delivery and may not be submitted via email, e-courts or fax.
- All attorneys admitted *pro hac vice* shall submit their 2019 compliances to the Court no later than thirty (30) days from the issuance of this Order.
- Defense counsel shall send a copy of the Notice of Removal for Shanks v. Merck, MID-L-4069-18 to the Court.
- Plaintiffs' counsel shall send a copy of the Order for Remand for Metz v. Merck, MID-L-4236-18, Sherman v. Merck, MID-L-4905-18, and Breitner v. Merck, MID-L-4905-18 to the Court.

2. MASTER PLEADINGS

- The final Master Complaint has been approved by all plaintiffs' counsel and filed with the Court.
- Once the Court has ruled on the pending motions to dismiss counts of the Master Complaint, defense counsel will determine if a Master Answer will be submitted to the Court.

3. STAY OF DEADLINE TO FILE ANSWERS

- Defendants' deadline to file Answers or otherwise respond to all complaints remain stayed pending decision on Defendants' motions to dismiss counts of the Master Complaint and until further order of the Court.
- Defense and Plaintiffs' counsel will meet and confer with plaintiffs' liaison counsel regarding a rolling procedure to respond to the complaints once the motions to dismiss counts of the Master Complaint are decided by the Court.

4. ESI AND PROTECTIVE ORDERS

- Counsel shall meet and confer regarding ESI and Protective Orders by March 8, 2019 and submit agreed upon orders or competing orders to the Court for review and approval by March 15, 2019.

5. PLAINTIFF FACT SHEET

- Counsel shall meet and confer regarding the Plaintiff Fact Sheet (PFS) by March 8, 2019 and submit an agreed upon or competing PFS and PFS Order to the court for review and approval by March 15, 2019.

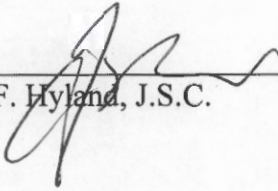
6. BELLWETHER SELECTION PROCESS

- Counsel shall meet and confer regarding Bellwether selection process by March 8, 2019 and submit an agreed upon or competing proposal to the court for review and approval.

7. SCIENCE DAY

- Counsel will meet and confer regarding a proposed time for a Science Day to be held in conjunction with the MDL and JCCP Judges, if possible. All counsel and the Court agree that a date will be determined based upon and held closer to the first trial date for this litigation.

The next Case Management Conference is scheduled for May 29, 2019 at 10:30 AM in courtroom 403.



James F. Hyland, J.S.C.