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Attorneys for Defendants

DePuy Orthopaedics, Inc., DePuy, Inc., DePuy International Limited, Johnson & Johnson, Johnson & Johnson Services, Inc. and Johnson & Johnson International

FILED

JUN 08 2022

**RACHELLE L. HARZ
J.S.C.**

ROY D. MURRAY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: BERGEN COUNTY
Plaintiff,	:	
	:	DOCKET NO. BER-L-5746-21
v.	:	
	:	
DEPUY ORTHOPAEDICS, INC., ET AL,	:	IN RE DEPUY ASR™
	:	HIP IMPLANT LITIGATION
Defendants.	:	CASE NO. 293
	:	
	:	CIVIL ACTION
	:	
	:	DISCOVERY ORDER

WHEREAS the plaintiff Roy D. Murray was eligible for but opted out of participation in the U.S. Settlement Program, and has indicated he wishes to proceed expeditiously with case specific discovery, by consent of the parties, and for good cause shown:

IT IS HEREBY ORDERED that initial discovery in this matter, shall proceed as follows:

1. If not done already, by July 1, 2022, plaintiff shall serve on defendants the implantation operative report and product sticker pages demonstrating plaintiff received an ASR hip device.
2. By July 1, 2022, plaintiff shall serve on defendants a fully complete,

updated and executed Plaintiff Fact Sheet (“PFS”) pursuant to Case Management Order No. 8, including signed medical authorization forms and all medical records and documents responsive to PFS, Section XI. To the extent plaintiff and/or plaintiff’s counsel is not in physical possession of all medical records required to be produced pursuant to PFS, Section XI, plaintiff is obligated to collect those records. If any of the documents do not exist, plaintiff’s counsel shall state that fact in a signed affidavit or declaration along with the reason, if known, why they do not exist and, if applicable, provide a “No Records Statement” from the healthcare provider, facility or pharmacy.

3. If after production of all discovery required in Paragraphs 1 and 2 above, defendants wish to obtain additional medical records, they shall do so within 90 days of receipt of all discovery required in Paragraphs 1 and 2, via the signed medical authorizations. Nothing in this Order shall preclude defendants from collecting additional medical records at a later date.

4. Within 60 days of receipt of all discovery required in Paragraphs 1 and 2 above, defendants shall serve a Defense Fact Sheet, the form and content of which shall comply with Case Management Order No. 9.

5. Plaintiff shall appear for deposition at a mutually convenient date and time within 60 days after production of all discovery required in Paragraphs 1 and 2 and any collection of records pursuant to Paragraph 3 above.

6. Within 90 days following completion of plaintiff’s deposition and subject to the deponents’ schedules and availability, the parties shall take the depositions of the implanting surgeon, explanting surgeon and, if desired by plaintiff’s counsel, any detail representative of DePuy present at plaintiff’s surgeries. The parties shall meet and confer in good faith to resolve any objections to any depositions or any scheduling issues.

7. All depositions shall be taken via Zoom or other video means with the witness, counsel for plaintiff, counsel for DePuy and employees of the court reporting agency each appearing virtually from separate locations.

8. Within 60 days following the completion of the surgeon and detail representative depositions, the parties shall continue the mediation previously commenced twice before a mutually agreeable alternative mediator.

9. If the mediation is unsuccessful, within 30 days of completion of the mediation, the parties shall meet and confer and submit a proposed schedule for the completion of fact and expert witness discovery, and *Accutane* and dispositive motions. A trial date shall be set after *Accutane* and dispositive motions are decided.

10. Any party who fails to comply with this Order shall be given notice by e-mail from opposing counsel and allowed thirty (30) days to cure the deficiency ("Cure Period"). No other extensions shall be granted unless agreed by the parties or for good cause shown. If the deficient party fails to cure within the Cure Period, the other party shall file a motion to show cause as to why the case should not be dismissed with prejudice. The responding party shall have thirty (30) days to respond to the motion.

IT IS SO ORDERED on this 8th day of June, 2022.



HON. RACHELLE L. HARZ