

IN RE: ELMIRON PRODUCTS
LIABILITY LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 638

MASTER DOCKET NO.: BER-L-

FILED

MAR 17 2022

RACHELLE L. HARZ
J.S.C.

MCL CASE MANAGEMENT ORDER NO. 1

The Court, having held an MCL Case Management Conference (“CMC”) on March 9, 2022, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of March 9, 2022, 32 Elmiron® products liability actions were filed in the Superior Court of New Jersey and served.

II. PROPOSED CASE MANAGEMENT ORDERS

The parties shall continue to meet and confer regarding coordination and entry of proposed case management orders similar to those entered in *In re Elmiron® Products Liability Litigation*, MDL No. 2973 (Case No. 2:20-md-02973), including:

- a. **Protective Order.** The parties have agreed to the form of a Protective Order and shall submit to the Court for review and approval.
- b. **ESI Protocol.** The parties have agreed to the form of an ESI Protocol and shall submit to the Court for review and approval.
- c. **PFS/DFS Implementation Order.** The parties have agreed generally to the use of a PFS and DFS process. In lieu of the special master process contemplated by the MDL’s PFS/DFS Order, the parties suggest that any PFS/DFS issues be submitted to Judge Harz.
- d. **Privilege Order.** The parties have agreed to the form of a Privilege Order and shall submit to the Court for review and approval.

- e. **Case & Claim Data Form.** The parties have agreed to the form of an Order governing case and claim data form completion and submission, and shall submit to the Court for review and approval.

III. LEADERSHIP

In accordance with this Court's Initial Case Management Order dated February 25, 2022, the Court hereby appoints Kristen Fournier, Esq. and Danielle Gold, Esq. as lead counsel, and Chris Seeger, Esq. and Michael Zogby, Esq. as liaison counsel.

IV. COORDINATION OF DISCOVERY AND EFFICIENCY

The parties shall continue to meet and confer regarding efficient and organized coordination of discovery. Defendants shall continue to cross-notice MDL depositions for purposes of this MCL. Plaintiffs' lead counsel shall be copied on document production transmittals.

V. CASE MANAGEMENT-RELATED ISSUES

The parties shall continue to meet and confer regarding the following issues:

- a. Suggested Schedule for Joinder of Parties;
- b. Amendment of Pleadings;
- c. Deadlines for the Conduct of Discovery/Use of Written Master Discovery Requests;
- d. Mode of Trial;
- e. Master Complaint; and
- f. Motions to dismiss and dispositive motions.

VI. DOCUMENTS/RECORDS

The parties shall use the agreed-upon vendors for document production in this case, and the agreed-upon, related production protocols.

VII. STATUS OF VARIOUS DEFENDANTS

- a. **Teva Defendants.** The majority of MCL plaintiffs have agreed to dismiss some or all of the Teva Defendants. The parties shall continue to meet and confer on the

dismissal of additional Teva entities for discussion at the next case management conference.


VIII. EXTENSION AND STAY

Defendants' initial entries of appearance and deadlines to answer or otherwise plead remain tolled in the individual cases comprising this MCL until further Court order. All individual discovery end dates are presently suspended until further Court Order.

IX. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference shall be coordinated with the MDL case management conference on **Wednesday, April 13, 2022**. For the April 13, 2022 conference, counsel shall appear via dial-in (to be circulated) at 12:00 p.m., unless otherwise provided by the Court. Counsel shall email their intention to attend the conference to Mr. Zogby, at michael.zogby@faegredrinker.com, by April 8, 2022. Mr. Zogby and Ms. Gold shall meet and confer regarding submission of the proposed agenda for the conference. The proposed agenda shall be submitted on April 8, 2022.

Dated: March 17th, 2022


The Hon. Rachelle L. Harz, J.S.C.