

FILED

MAR 10 2022

JOHN C. PORTO, J.S.C.

PREPARED BY THE COURT

 IN RE SINGULAIR® LITIGATION

: SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION, ATLANTIC COUNTY
 : CASE NO: 637
 : MASTER CASE NO. ATL-L-481-22
 :
 : Civil Action
 :
 : **CASE MANAGEMENT ORDER NO. 1**

IT APPEARING that all Singulair® litigation cases are centralized for management by the Superior Court of New Jersey in the County of Atlantic by Order of the Supreme Court of New Jersey, dated January 4, 2022;

AND IT FURTHER appearing that an equitable, economic, and expedient resolution of these cases require an orderly management plan for this litigation; and therefore

IT IS on this 10TH day of **MARCH 2022 ORDERED** as follows:

I. GENERAL APPLICABILITY:

1. This Order applies to all cases previously filed and all those hereinafter filed or transferred to the County of Atlantic pursuant to the Supreme Court of New Jersey Order of January 4, 2022. The cases are centralized to avoid duplication and to prevent conflicts. Each case will retain its own docket number.
2. All orders by transferor Courts imposing dates for pleading or discovery are hereby vacated.
3. Orders and notices common to the entire litigation are available on the Judiciary web page for Multicounty Litigation, which may be accessed at www.njcourtsonline.com.

4. **NOTE:** Attached hereto as “Exhibit A” is a list of cases, identified by party, which based upon a review of those lawsuits currently pending in the Superior Court of New Jersey, are presently the only matters which involve claims asserting personal injury as a result of the use of Singulair®. In the event additional Singulair® claims are filed, or should this Court have failed to identify all of the Singulair® currently pending in the Superior Court of New Jersey, then said claims shall be transferred to the County of Atlantic for inclusion in this Multi-County Litigation (hereinafter “MCL”).

II. CAPTIONS, PLEADINGS & SERVICE:

1. All parties are to submit their pleadings via uploading the same onto “e-Courts,” with their captions noting that said Complaints are filed with the Superior Court, Law Division, in the County of Atlantic. All of the Court’s Orders and notices will likewise be posted on e-Courts, unless otherwise noted by the Judge presiding over this MCL. All proceedings will be conducted in the Atlantic County Civil Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. The Case Information Statement accompanying the pleading shall identify this matter as Case Type 637.
2. Each Complaint is limited to one Plaintiff or a related household of Plaintiffs. No two Plaintiffs may use the same caption on individual Complaints. If a Complaint has been filed with multiple unrelated Plaintiffs, new individual Complaints must be filed within thirty (30) days, and upon request, the Court will sign an Order preserving the original date of filing.
3. All pleadings, all motions papers, all correspondence shall add the title of “In re: SINGULAIR® Litigation,” Case No. 637.

4. The Superior Court of New Jersey, County of Atlantic shall maintain a master docket, Docket Number ATL-L-481-22, and case file caption "IN RE SINGULAIR® LITIGATION". All Case Management Orders, Scheduling Orders and other similar documents filed therein are deemed filed and docketed in each individual case.

III. PRELIMINARY MATTERS:

1. Each party shall preserve all documents and other records containing information potentially relevant to this litigation. Each party shall also preserve any physical evidence or potential evidence and shall not conduct any tests on physical evidence without notifying opposing counsel. Absent the consent of counsel via formal stipulation consenting to the test, no test shall be conducted without first obtaining the Court's permission.
2. Computerized data shall not be erased under existing programs until: opposing counsel have been, or will be, notified of all existing programs subject to additional meet and confer conferences.

IV. ATTORNEYS:

1. Counsel are expected to act in a courteous, professional manner at all times during the conduct of this litigation. Each attorney should make a good faith effort to resolve disputes out of Court and in an expeditious manner. Counsel shall attempt to resolve motions before any matter is submitted to the Court and must certify to that attempt at the time of filing any motion.
2. Counsel for Defendant(s) shall provide the court an official service list updated every sixty (60) days. The list must contain the case names, docket numbers and the date. For each party, counsel must be identified by name, firm name, address, telephone number, fax number, and e-mail address. From these lists, the Court will

maintain on the MCL website an official counsel list for purposes of facilitating service.

3. Counsel lists **are not to be appended to** any Court submission. The counsel list shall be incorporated by reference on all certificates of service, all pleadings, all motions, all correspondence. The reference should be to all counsel on the list and identify by date the last official service list for the cases.
4. Multiple Counsel: Where a party is represented by more than one counsel of record, that party shall designate the name and address of the single counsel to be recipient of all notices, communications and pleadings. The designated counsel will be responsible for notifying co-counsel of all such matters.
5. ***Pro Hac Vice Admissions:***
 - a. An attorney seeking to appear *pro hac vice* shall apply to formal notice of motion with supporting affidavit and proposed form of order, in compliance with R. 1:21-2 of the Rules Governing Courts of New Jersey.
 - b. *Pro hac vice* counsel may try the case, but is not designated trial counsel. No proceeding shall be adjourned because *pro hac vice* counsel is not available.
 - c. All pleadings, motions and correspondence of the Court must be submitted by New Jersey Counsel.
 - d. All out-of-state attorneys representing Plaintiffs must certify that all retainer agreements with clients in the subject litigation do not, and in the future will not, violate any of the contingency fee provisions found in the Rules Governing the Courts of New Jersey for the current year.

- e. All out-of-state attorneys seeking admission to represent a corporate Defendant must certify as to his or her prior involvement with that corporation or its related entities, including the capacity in which he or she was involved. Further, the attorney must include in the affidavit a statement of his or her good faith belief that he or she was not involved with policy of management decisions, which would require him or her to be called as a witness in any matter for the Court.
- f. Counsel admitted *pro hac vice* are required to make annual payment to the Ethics Financial Committee and to the New Jersey Lawyers Fund for the Client protection.

V. **CONFERENCE PROCEDURES:**

1. The Court will conduct, and the parties may request, periodic status and scheduling conferenced to assess the progress regarding the matters scheduled herein. Reasonable notice of all such conferences will be provided to all counsel of record.
2. **Transcripts:**
 - a. The Courtsmart recording will be the Official Court record of any and all proceedings related to the “IN RE SINGULAIR® LITIGATION”. Any party may seek a copy of the recording through the normal Court channels.
 - b. Counsel may obtain the services of an official court reporter to supplement the official Courtsmart record by filing a certification and order indicating the reporting services company, that Courtsmart will remain the official record, and that a copy of any supplemental recording transcript will be sent directly to the Court.
3. **Appearances:** The date of a case management conference established by Court order is a firm date, not readily adjourned except upon exceptional circumstances.

Counsel appearing at each case management conference must sign an attendance sheet, be familiar with the issues to be discussed, and shall not schedule other matters for the date of the conference. Any attorney appearing telephonically or via skype, after the Judge presiding over this matter gives consent to do so, must notify the Law Clerk of the Judge presiding over this matter one (1) day prior to the date of the conference with Counsel's name, firm, and client so counsel can be indicated on the attendance sheets.

4. **Compliance:** All counsel are required to comply with the provisions of each case management order whether he or she was in attendance at the conference giving rise to the Order.

VI. MOTIONS:

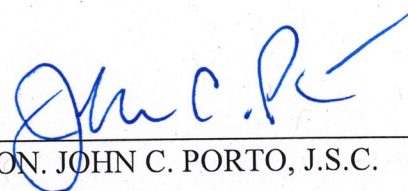
1. **Filing Requirements:** All motions are to be filed on e-courts, directed to the attention of the Multicounty Litigation Team, Superior Court of New Jersey, Atlantic County Courthouse, 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. All motion papers must include a return date scheduled for a regular motion Friday.
2. Courtesy copies of the motion pleadings for the Judge are required. Counsel should send a Courtesy copy of the motion to the Chambers of the Judge presiding over the matter. If the filed motion applies to multiple cases under the "IN RE SINGULAIR® LITIGATION", then only one (1) copy of the motion and supporting documents need be supplied with a cover letter indicating that an identical motion is filed under the provided list of docket numbers and names.
3. Any motion that is applicable to all cases shall be filed on one omnibus motion using the master docket number assigned to the caption "IN RE SINGULAIR® LITIGATION". In the event any motion, including *pro hac vice* motions, involves more than one individual case, but not all cases, an omnibus motion and omnibus

Order, shall be filed with a Schedule A attached listing the individual cases and docket numbers involved in the omnibus motion.

4. Any motion that is applicable to more than one party in a case shall be jointly filed by Counsel.
5. Where the motion applies to more than one case, motion fees will be charged for each case, but if the motion is related to all cases under the master docket, the Court will charge for one motion.
6. Captions on motions are the same as on pleadings and require the docket number and the designation "IN RE SINGULAIR® LITIGATION".
7. An on-the-record in person or telephonic conference with the Court is required prior to the filing of any motion related to discovery issues.
8. No motions for Summary Judgment shall be filed without approval of the Court.
9. All motions *in limine*, or motions for a *Kemp/Rubanick/Accutane, Daubert*-type, or *Lopez* hearing shall be scheduled by the Court during a pre-trial or case management conference.
10. Oral Argument on any opposed motions shall be scheduled by the Court and may not coincide with the specified return date in the original notice of motion.
11. On Wednesday, **March 23, 2022 at 2:00 pm** the Court shall conduct and on-the-record in-person or video conference, via Zoom, case management conference with all counsel in Courtroom 3G in the Atlantic County Civil Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. The Honorable John C. Porto, J.S.C. shall preside over the "IN RE SINGULAIR® LITIGATION". The Court shall circulate a Zoom link for all parties who wish to appear via video

conference. At that time the Court will review the status of discovery and discuss the need to schedule any additional case management conferences.

IT IS FURTHER ORDERED that Defendant(s) shall serve a copy of this Order on all Counsel of Record within (10) days of the date herein.



HON. JOHN C. PORTO, J.S.C.

EXHIBIT A

	A	B
1	Last Name	First Name
2	Againeses	Nichole
3	Alexander	Charita
4	Allen	Diedra
5	Anderson	Uklele
6	Andonie	Paula
7	Aparo	Matthew
8	Armes	Sonya
9	Atkinson	Austin
10	Ault	Alexia
11	Avet	Rue
12	Aytche	Tazia
13	Babcock	Steven
14	Baker	Angela
15	Baker	Angela
16	Ball	Candice
17	Bell	Preston
18	Benson	Jayne
19	Beverly	Josie
20	Beverly	Larry
21	Bevington	Daniel
22	Bevington	Joshua
23	Bradley	Joan
24	Bradleyward	Geneva
25	Britton	Rebekah
26	Brotzman	Karyn
27	Brown	Shonda
28	Brown	Khiayn
29	Bruner	Logan
30	Bullins	Ginger
31	Cain	Charles
32	Caire	Brandon
33	Campbell	Tammy
34	Campbell	Michelle
35	Campos	Melissa
36	Carbajal	Rosalinda
37	Carlson	Jessica
38	Chenoa Tyrone	Laura
39	Chidester	Vicki
40	Christenberry	Zachary
41	Christoper	Michael
42	Clark	Chrismon
43	Clark	Braxton
44	Clark	Dawn
45	Clark	Isaac

	A	B
46	Cole	Ashley
47	Collins	Sherry
48	Collins	Phil
49	Colón	Antwain
50	Cooper	Angela
51	Corbin	Peggy
52	Cribb	Christopher
53	Crunk	Jessica
54	Crunk	Katelyn
55	Dalton	Marlando
56	Davis	Donel
57	De Aragon	Aime
58	DeCataldo	Michael
59	Decker	Amber
60	Dedden	John
61	Dolan	Carolynn
62	Easterly	Britany
63	Ecklar	Trisha
64	Edwards	Robert
65	Egger	Darlah
66	Fairgood	Kenya
67	Felton	Dwayne
68	Fensky	Kathy
69	Fernandez	Martha
70	Figueroa	Ivette
71	Franklin	Jermaine
72	Ganzer	Rachel
73	Giancontieri	Margie
74	Girard	Angela
75	Girard- Goren	Victoria
76	Godinez	Lorraine
77	Goldman	Damian
78	Gonzalez	Diana
79	Gonzalez-Andujar	Doris
80	Gordon	Glendon
81	Goren	William
82	Gowin	Arieona
83	Gray	Miram
84	Greco	Karen
85	Greene	Brad
86	Gregory	Tracy
87	Griffin	Katie
88	Groves	Terry
89	Guerra	Schanae
90	Gundersen	Cayden
91	Hall	Nicholas

	A	B
92	Hampton	Samanthia
93	Hardin	Diane
94	Haring	Elizabeth
95	Harvey	Steven
96	Haub	Bernadette
97	Hill	Michelle
98	Hill	Leona
99	Hodgkinson	Kristina
100	Hodsdon	Eva
101	Holler	A.J.
102	Horwitz	Shannon
103	Hrnjica	Ado
104	Hudson	Shayna
105	Jackson	Lilyan
106	Jackson	Kendell
107	James	Brittany
108	Jeffries	Cameron
109	Jesse	Amanda
110	Johnson	Justina
111	Jones	Sheldon
112	Jones	Shevone
113	Judkins	Jodi
114	Kennelly-Hines	Katrina
115	Kerr	Taylor
116	King	Gage
117	Kirby	Willie
118	Knight	Sierra
119	Konsky	James
120	Kring	Sara
121	Kupris	Bradley
122	Ladumai	Belinda
123	Latin	Barbara
124	Leon	Patrick
125	Lepisto-Drew	Samantha
126	Leupold	Christy
127	Levy	Geraldine
128	Lira	Angelica
129	Lombardi	Jacqueline
130	Lopez	Gloria
131	Lyons	Christopher
132	Machen	Norman
133	Marquez	Tamara
134	Marquez	Lillian
135	Marquez	Cassandra
136	Maxwell	Millander
137	McCann	Pamela

	A	B
138	McCarley	Jillian
139	McCartney	Joseph
140	McDill	Gavin
141	McGlinsey	Melissa
142	McMahom	Amanda
143	McNeal	Brayden
144	Mcwherter	Tyrease
145	Means	Miranda
146	Merrill	Kaila
147	Merritt	Brandy
148	Miller	Jacob
149	Miller	Carrie
150	Mitchell	Angela
151	Mitchell	Angela
152	Mixon	Sally
153	Morales	Kimberly
154	Morales	Jose
155	Morgan	Tonya
156	Moyer	Sarah
157	Munn	Denarius
158	Nelson	Jason
159	Nickowal	Lisa
160	Nolen	William
161	O'Quinn	Jaylin
162	Palmer	Carleigh
163	Parsons	Michael
164	Pendleton	Lance
165	Penn	Kimberly
166	Penny	April
167	Perez	Alberta
168	Peters	Jahfreeya
169	Petry-Michels	Elizabeth
170	Philpott	Bobbie
171	Poole	Joshua
172	Potter	Carol
173	Prensa	Nilda
174	Ramiz	Jessica
175	Rand	Rachelle
176	Regalado	Mikayla
177	Reyes	Alejandro
178	Ritchie	Devin
179	Rivera-Jimenez	Tracy
180	Roberts	JaCynthia
181	Robinson	Neil
182	Robinson	Michelle
183	Rodriguez	Jason

	A	B
184	Rodriguez	Luis
185	Rogers	Tajionna
186	Romero	Alana
187	Rosario	Mia
188	Roth	Gabrielle
189	Russell	Jeffrey
190	Sahid	Elana
191	Sappington	Shelia
192	Schindler	Zuheilin
193	Schott	Robert
194	Scott	Mary
195	Scruggs	Kenneth
196	Segars	Kayla
197	Shea	Bailey
198	Shields	Ashley
199	Shorter	Linda
200	Sifuentes	Rochelle
201	Simpson	Evangelia
202	Slavin	Shelby
203	Smith	Kenni
204	Smith	Michaela
205	Snyder	Jammie
206	Sparks	Jonathan
207	Stefanski	Moriah
208	Steinhoff	Sheila
209	Stewart	Carolyn
210	Storer	Alexander
211	Stradivari	Nicholas
212	Strong	Jamie
213	Strong	Michael
214	Swope	Christopher
215	Tankson	Lexis
216	Taylor	Gary
217	Tonelli	Rino
218	Treib	Brendan
219	Tucker	Michael
220	Tunney	Amanda
221	Turner	Jane Marie
222	Veintemilla	Carolina
223	Ward	Jessica
224	Ward	Jessica
225	Warner	Patricia
226	White	Owen
227	White	Audrey
228	Whiteway	Anna
229	Wilder	Autumn

	A	B
230	Wiles	Meagan
231	Wilkinson	Tammy
232	Wilkinson	Michelle
233	Williams	Felicia
234	Williams	Taylor
235	Williams	Destiny
236	Willingham	Kieran
237	Wills	Winfred
238	Wilson	Jiri
239	Winegar	Preston
240	Wise	Sharon
241	Witt	Julianna
242	Wooldridge	Jedidiah
243	Worth	Scott
244	Wright	Maurice
245	Young	Shirley
246	Zaurov-Orcutt	Marisel
247	Zbierajewski	Halina