

ATTACHMENT A

NOTICE TO PRESERVE PATHOLOGY MATERIALS

Date

FACILITY

ATTN:Pathology Department

Address

Re: [Case Caption]

Patient: _____

Date of Surgery: _____

Dear Department of Pathology:

I represent the Plaintiff, _____, and _____, copied below, represent the Defendants, Johnson & Johnson and Ethicon, Inc. (collectively "Ethicon"), in the above-referenced lawsuit. There is no litigation pending against your facility or the treating physician in this matter. The pathology and any explanted mesh material is important evidence in pending litigation against Ethicon and preservation of these items is critical. I write to request the following:

- **Please verify if any pathology and explant material is available (including slides, tissue/paraffin blocks, and/or gross specimens), from [FIRST, MIDDLE, LAST NAME]'s [date] surgery performed by Dr. [Explant Surgeon], if so, please continue to preserve using your standard method of preserving pathology and/or explant materials.** It is of utmost importance that you DO NOT DISCARD OR DESTROY THESE MATERIALS.
- If you possess any Gross Specimens OR if your standard method of preserving pathology, paraffin/tissue blocks, histology slides, and/or explant materials contemplates that you preserve these materials for a period that is less than 10 years from the date of this letter, the parties request that you immediately contact our pathology specimen storage facility representative to arrange for the shipment and storage of these preserved materials once your normal pathology procedures have been completed. Standard delivery FedEx or UPS shipping is sufficient, however, please comply with your usual practice for the shipment of these materials to:

Kate Grayson
Steelgate, Inc.,
2307 58th Avenue East
Bradenton, Florida 34203
kate@steelgateinc.com
(941) 758-1122 or (866) 647-8335

- If you DO NOT POSSESS ANY GROSS SPECIMENS **AND** your standard method of preserving histology slides and/or blocks of tissue contemplates that you preserve these materials for a period that is at least 10 years from the date of this letter, then you need to do nothing further other than 1) continue to preserve these materials unless you receive separate instructions, and 2) provide written confirmation of your retention policy.

To facilitate this request, enclosed please find a HIPAA-compliant authorization signed by the above-referenced Plaintiff for the release of the pathology and explant specimens to Steelgate as instructed above.

Instructions for Reimbursement for Costs Incurred: For reimbursement of costs incurred in the collection, preservation, and shipping of the specimens, please submit an itemized invoice to:

[PLAINTIFF'S COUNSEL, FIRM NAME, ADDRESS, PHONE/EMAIL]

Should you have any questions or concerns regarding this matter, please contact either Ms. Grayson or the undersigned.

If you are not the appropriate recipient of this request, please notify and forward a copy of this letter to the appropriate person or entity responsible for ensuring compliance with the terms of this request at your earliest convenience. Thank you very much for your assistance.

Very truly yours,

[Signature Block: Counsel for Plaintiff]

Encls. as stated

cc: njphysiopreservation@butlersnow.com
Kate Grayson (kate@steelgateinc.com)

ATTACHMENT B**NOTICE TO PRESERVE PATHOLOGY MATERIALS**

Date

FACILITY

ATTN: Department of Surgery and Pathology
Address**Re: [Case Caption]**

Patient:

Date of Surgery: _____
[Date of Anticipated Explant]

Dear Department of Surgery and Pathology:

I represent the Plaintiff, _____, and _____ copied below, represent the Defendants, Johnson & Johnson and Ethicon, Inc. (collectively "Ethicon"), in the above-referenced lawsuit. We have been informed that [PLAINTIFF FIRST, MIDDLE, LAST NAME]'s surgery is scheduled for [date], to be performed by Dr. [Explant Surgeon]. There is no litigation pending against your facility or the treating physician in this matter. The pathology and any remaining explanted mesh material is important evidence in pending litigation against Ethicon and preservation of these items is critical. I write to request the following:

- **Please follow the pathology procedures your facility uses in the ordinary course of business.** Once you have completed your normal pathology procedures, we request that any pathology (including gross specimens, paraffin/tissue blocks, and/or pathology slides) obtained during [PLAINTIFF FIRST, MIDDLE, LAST NAME]'s upcoming surgery, should be preserved by using your standard operating procedures for preserving pathology and explant materials. The only exception is if your policies or procedures contemplate discarding any of the materials, in which we would request that you not discard any materials. Gross specimens containing mesh and/or tissue should be placed in a container of dilute formalin (10% is standard). All pathology described above should be handled in accordance with the following procedures:
- If any Gross Specimens are retrieved from this procedure OR if your standard method of preserving pathology, paraffin/tissue blocks, histology slides, and/or explant materials contemplates that you preserve these materials for a period that is less than 10 years from the date of this letter, the parties request that you immediately contact our pathology specimen storage facility representative to arrange for the shipment and storage of these materials. Contact information is as follows:

- Kate Grayson
Steelgate, Inc.,
2307 58th Avenue East
Bradenton, Florida 34203
kate@steelgateinc.com
(941) 758-1122 or (866) 647-8335
- If you do not possess any Gross Specimens **AND** your standard method of preserving histology slides and/or blocks of tissue contemplates that you preserve these materials for a period that is at least 10 years from the date of this letter, then you need to do nothing further other than 1) continue to preserve these materials unless you receive separate instructions, and 2) provide written confirmation of your retention policy.

To facilitate this request, enclosed please find a HIPAA-compliant authorization signed by the Plaintiff for the release of the pathology and explant specimens to Steelgate as instructed above.

Instructions for Reimbursement for Costs Incurred: For reimbursement of costs incurred in the collection, preservation, and shipping of the specimens, please submit an itemized invoice to:

[PLAINTIFF'S COUNSEL, FIRM NAME, ADDRESS, PHONE/EMAIL]

Should you have any questions or concerns regarding this matter, please contact either Ms. Grayson or the undersigned.

If you are not the appropriate recipient of this request, please notify and forward a copy of this letter to the appropriate person or entity responsible for ensuring compliance with the terms of this request at your earliest convenience. Thank you very much for your assistance.

Very truly yours,

[Signature Block: Counsel for Plaintiff]

Encls. as stated

cc: njphysiopreservation@butlersnow.com
Kate Grayson (kate@steelgateinc.com)

ATTACHMENT C
CHAIN OF CUSTODY FORM

[Case caption]

Patient Name:

ENTRY NO. []

Applicable Surgery Date for Specimen: _____

| | Submitter | Receiver |
|---------------------------|------------------|-----------------|
| Name (Print): | | |
| Company/ Organization: | | |
| Address: | | |
| Date: | | |
| Time: | | |

ITEM DESCRIPTION – Completed by Submitter

Gross Description of Item:

Photographed While in Your Possession? Yes: _____ No: _____

Type of Specimen (paraffin block; slides; gross specimen -- loose and dry, loose and in liquid, etc.):

Size and Weight of Specimen (if in container – do not remove, just record data of container):

Other Identifying Marks or Comments (e.g. slide or block numbers)

Signature of Submitter: _____

ITEM DESCRIPTION – Completed by Receiver

Gross Description of Item:

Photographed While in Your Possession? Yes: _____ No: _____

Type of Specimen (paraffin block,; slides; gross specimen -- loose and dry, loose and in liquid, etc.):

Size and Weight of Specimen (if in container – do not remove, just record data of container):

Other Identifying Marks or Comments (e.g. slide or block numbers)

Signature of Receiver: _____

INSTRUCTIONS TO STEELGATE, INC.

Steelgate, Inc. (“Steelgate”) will be instructed to adhere to the following processes for the receipt, documentation, photography, and storage of the Materials. Plaintiffs will provide a HIPAA compliant authorization to Steelgate.

Receipt of Materials

Upon receipt of Materials, Steelgate will notify the Parties via email as follows: njphysiopreservation@butlersnow.com for Defendants and case counsel for Plaintiffs.

Documentation

Please document receipt of the Materials on the applicable Chain of Custody forms.

Photographs

Please photograph the Materials. Gross Specimens should remain in their original containers and may be photographed only in the original container.

Weighing

Please weigh the Gross Specimen containers and document the weight in writing and correspond to the appropriate photographs.

Storage of Materials

The Materials should be stored under appropriate conditions. The parties will coordinate inspection and division of any Materials.

If any Gross Specimen arrives in a container that is cracked, open, and/or leaking fluid, Steelgate will notify the Plaintiffs and Defendants. The Plaintiffs and Defendants will then discuss whether any additional steps should be taken, and such steps will be taken only after mutual agreement.

Communications

With respect to any written communications from Steelgate involving Materials, counsel from both parties are to be copied on all such communications. Following the division of any Gross Specimen, Steelgate is no longer required to copy both parties on communications regarding their share of the divided Gross Specimen (i.e., Steelgate may communicate directly with the party whose share is the subject of the communication).