

FILED

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JOHN C. PORTO, J.S.C.

IN RE PROLENE HERNIA SYSTEM
MESH LITIGATION

: SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION: ATLANTIC COUNTY
 : CASE NO: 633
 : CIVIL ACTION
 : MASTER CASE NO. ATL-L-173-20
 :
 : **CASE MANAGEMENT ORDER NO. 4**
 : **[GENERAL ADMINISTRATION]**
 :

IT APPEARING that all Prolene Hernia System Mesh 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 6, 2020;

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

IT IS on this 5th day of March, 2020, **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 6, 2020. 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, discovery, or trial are hereby vacated.
3. Orders and notices common to the entire litigation are available on the Judiciary web page for Multi-County Litigation, which may be accessed at www.njcourtsonline.com.
4. **NOTE:** Attached hereto as "Exhibit A" to this Order is a list of cases, identified by party and docket number, 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 result of the use of Prolene Hernia System Mesh which are not included in another MCL before this Court as a result of containing allegations regarding two hernia mesh products. In the event additional Prolene Hernia System Mesh claims are filed, or should this Court have failed to identify all of the Prolene Hernia System Mesh claims 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"). Nothing in this paragraph shall preclude a plaintiff alleging injuries from two different hernia mesh products from filing their case in the MCL of Plaintiff's choosing.

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 633.
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: Prolene Hernia System Mesh Litigation," Case No. 633.
4. The Superior Court of New Jersey, County of Atlantic shall maintain a master docket, Docket Number ATL-L-173-20, and case file caption "IN RE PROLENE HERNIA SYSTEM MESH 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. ***Pro Hac Vice Admissions:***
 - a. An attorney seeking to appear *pro hac vice* shall submit via eCourts a proposed form of order under the 5-day Rule. Said order may be submitted under the Master MCL docket number and need not be separately submitted in any individual matter or under any individual matter docket number. Counsel admitted *pro hac vice* are admitted for all purposes.
 - 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 Client Protection.

V. CONFERENCE PROCEDURES:

1. The Court will conduct, and the parties may request, periodic status and scheduling conferences 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:** 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. 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 PROLENE HERNIA SYSTEM MESH 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.

All motion papers must include a return date scheduled for a regular motion Friday.

2. 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 PROLENE HERNIA SYSTEM MESH 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.
3. Any motion that is applicable to more than one party in a case shall be jointly filed by Counsel.
4. 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.
5. Captions on motions are the same as on pleadings and require the docket number and the designation "IN RE PROLENE HERNIA SYSTEM MESH LITIGATION".
6. An on-the-record in person or telephonic conference with the Court is required prior to the filing of any motions of any type.
7. All motions *in limine*, or motions for an *Accutane*, *Kemp/Rubanick*, *Daubert-type*, or *Lopez* hearing shall be scheduled by the Court during a pre-trial or case management conference.
8. 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.

IT IS FURTHER ORDERED that Defendant(s) shall serve a copy of this Order on all Counsel of Record within seven (7) days of the date herein.



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

Exhibit A: NJ Hernia Mesh Litigation PHS-MCL**Master Chart of Cases Transferred/filed Atlantic County**

	Plaintiff	Atlantic Docket No.
1	Alguacil, Leila	ATL-L-305-20
2	Asturi, Annette	ATL-L-298-20
3	Bailey, Lori & Kenneth	ATL-L-213-20
4	Barnes, Robert	ATL-L-277-20
5	Baucom, Ransom III	ATL-L-539-20
6	Bellhouse, Barbara	ATL-L-322-20
7	Bolyard, Glenn	ATL-L-181-20
8	Boston, Courtney D.	ATL-L-178-20
9	Bovino, Edwin	ATL-L-182-20
10	Bradford, William	ATL-L-230-20
11	Brawley, Ann	ATL-L-299-20
12	Briscoe, Anthony & Francelia	ATL-L-338-20
13	Bromley, Mark	ATL-L-342-20
14	Byley, David	ATL-L-325-20
15	Caridi, Dale	ATL-L-549-20
16	Carlson, Richard	ATL-L-311-20
17	Chavira, Juan	ATL-L-296-20
18	Coleman-Jefferson, Sarah	ATL-L-231-20
19	Collazo, Vimary	ATL-L-257-20
20	Concepcion, Willie	ATL-L-279-20
21	Conley, Cindy & Tony	ATL-L-550-20
22	Connell, Paul and Pia	ATL-L-249-20
23	Cooper, Nicolas	ATL-L-313-20
24	Corgan, Travis	ATL-L-303-20
25	Dawson, William & Edith	ATL-L-618-20
26	Day, Joseph	ATL-L-199-20
27	Dobe, Michael	ATL-L-260-20
28	Dodd, Dustin & Kirsten	ATL-L-222-20
29	Dodd, Timothy B.	ATL-L-206-20
30	Edwards, Robert	ATL-L-370-20
31	Ehlers, Mary	ATL-L-409-20
32	Eiben, Barbara & Christoph	ATL-L-198-20
33	Ellis, Scott	ATL-L-540-20
34	Espinosa, Elisa	ATL-L-439-20
35	Ettner, Erick	ATL-L-251-20
36	Evans, Roderick	ATL-L-212-20
37	Fine, Hollie	ATL-L-538-20
38	Flores, Teresa	ATL-L-3130-19
39	Flynn, Richard	ATL-L-594-20
40	Galvez, Michael	ATL-L-263-20
41	Gelpi, Shawn & Jennifer	ATL-L-336-20
42	Gioia, William	ATL-L-204-20
43	Godfrey, Holly	ATL-L-236-20

	Plaintiff	Atlantic Docket No.
44	Grant, Vincent J., Jr.	ATL-L-255-20
45	Graves, Ernest	ATL-L-254-20
46	Graves, Randall E.	ATL-L-227-20
47	Greenklepper, Rochelle	ATL-L-197-20
48	Guerrero, Victor	ATL-L-369-20
49	Guy, Louise & Raymond	ATL-L-301-20
50	Hager, Karen	ATL-L-314-20
51	Hanton, Ruthie M. & Peter	ATL-L-211-20
52	Harris, James	ATL-L-217-20
53	Hausman, Robert	ATL-L-312-20
54	Henley, James	ATL-L-195-20
55	Henry, Tracy L.	ATL-L-306-20
56	Hernandez, Leo & Kathy	ATL-L-221-20
57	Hickey, Barbie & John	ATL-L-309-20
58	Hill, Harley & Olga	ATL-L-269-20
59	Jackson, Lewis & Doris	ATL-L-316-20
60	Johnson, Heather	ATL-L-175-20
61	Josephs, Dolores	ATL-L-276-20
62	Lind, Dale W.	ATL-L-226-20
63	Lindly, James	ATL-L-291-20
64	Loschen, Shirley	ATL-L-218-20
65	Lotridge, Robin	ATL-L-292-20
66	Maestas, Joseph	ATL-L-293-20
67	Maggard, Sandra	ATL-L-224-20
68	Marcus, Arlene	ATL-L-270-20
69	Martinez, Toby & Cathy	ATL-L-537-20
70	Mata, Raul	ATL-L-294-20
71	McDuffie, Gregory	ATL-L-248-20
72	McGrew, Keith & Watkins, Jessica	ATL-L-317-20
73	Medina, Rogelio	ATL-L-250-20
74	Melvin, Rebecca & Scott	ATL-L-228-20
75	Mendoza, Anthony	ATL-L-233-20
76	Miller, Ronald	ATL-L-295-20
77	Mitchell, Peggy	ATL-L-253-20
78	Montero, Michael	ATL-L-216-20
79	Morley, Keith	ATL-L-219-20
80	Mosby, Russell	ATL-L-239-20
81	Moskowitz, Scott	ATL-L-237-20
82	Mullins, James	ATL-L-245-20
83	Murphy, Joseph & Linda	ATL-L-252-20
84	Nease, Willie	ATL-L-210-20
85	Newman, Stephen	ATL-L-238-20
86	Nomikos, Michael	ATL-L-242-20
87	O'Leary, Shannon	ATL-L-258-20
88	Olsgard, Georgiann	ATL-L-320-20
89	Parsons, Michelle & James	ATL-L-225-20
90	Pepper, Timothy & Cynthia	ATL-L-308-20

	Plaintiff	Atlantic Docket No.
91	Perez, Nora	ATL-L-267-20
92	Pierce, Jerry & Teri	ATL-L-241-20
93	Porter, Willie	ATL-L-440-20
94	Poston, Paul	ATL-L-332-20
95	Reed, James	ATL-L-310-20
96	Rhoades, Rick & Deanne	ATL-L-515-20
97	Rigney, Jonetta	ATL-L-307-20
98	Ritter, Mark	ATL-L-326-20
99	Rivas, Angelina	ATL-L-283-20
100	Robertson, Lenny	ATL-L-327-20
101	Roggow, Joleen	ATL-L-247-20
102	Rood, Russell L., Jr.	ATL-L-513-20
103	Schnetzer, Christopher	ATL-L-205-20
104	Self, Joel	ATL-L-232-20
105	Senkel, William	ATL-L-235-20
106	Shaw, Jerry	ATL-L-240-20
107	Siddall, James	ATL-L-318-20
108	Singer, Joan & Herbert	ATL-L-200-20
109	Slaczka, Stanley	ATL-L-215-20
110	Smith, Lucy & Terrence	ATL-L-180-20
111	Snyder, Rick C.	ATL-L-243-20
112	Soutner, Janelle & Ronald	ATL-L-414-20
113	Stone, Lewis D.	ATL-L-203-20
114	Strauss, Nathan K.	ATL-L-275-20
115	Swieconeck, Melanie	ATL-L-280-20
116	Szaroleta, Christopher	ATL-L-171-20
117	Tabor, Steve	ATL-L-830-14
118	Tavian, Michael	ATL-L-176-20
119	Taylor, Karrie	ATL-L-503-20
120	Taylor, Richard	ATL-L-330-20
121	Teunisson, Emily	ATL-L-333-20
122	Thaxton, Pamela	ATL-L-259-20
123	Torres, Richard S., Sr.	ATL-L-371-20
124	Towner, Michael	ATL-L-256-20
125	Tuell, Glenda	ATL-L-321-20
126	Ucovich, Miguel	ATL-L-541-20
127	Vinas, Daniel	ATL-L-450-20
128	Volquardsen, Jamie	ATL-L-202-20
129	Walker, Latricia	ATL-L-261-20
130	Walker, Linda	ATL-L-223-20
131	Watson, Mark	ATL-L-319-20
132	Weldon, Terry L.	ATL-L-328-20
133	Whipple, Candice	ATL-L-244-20
134	Wilhelm, Deanna	ATL-L-229-20
135	Williams, Stanley & Seneca	ATL-L-315-20
136	Williams, Wilton	ATL-L-334-20
137	Wilson, Donald & Bernadette	ATL-L-297-20

	Plaintiff	Atlantic Docket No.
138	Wilson, Jennifer	ATL-L-214-20
139	Wojcik, Darrell	ATL-L-323-20
140	Wolma, Jeffrey	ATL-L-281-20
141	Wunrow, Jamie	ATL-L-278-20
142	Yost, Jeffrey	ATL-L-209-20
143	Zamorano, Juan	ATL-L-331-20
144	Zwiebel, Jeffrey & Ellen	ATL-L-268-20