

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCTS LIABILITY LITIGATION**

**Case No.: 2:19-md-02921
MDL No. 2921**

**JUDGE BRIAN R. MARTINOTTI
JUDGE EDWARD S. KIEL**

THIS DOCUMENT RELATES TO: ALL CASES

CASE MANAGEMENT ORDER #22

These matters having been transferred to this Court by order of the Judicial Panel on Multidistrict Litigation pursuant to its order of December 18, 2019, meriting special attention as complex litigation, the Court having entered its Initial Case Management Order (ECF No. 13) on January 7, 2020, setting forth the Court's parameters and expectations of counsel during the course of this litigation, the Court having held a video status conference on April 20, 2021, and for other good cause shown, it is **ORDERED** as follows:

I. LITIGATION ACTIVITY SINCE LAST CMC

a. Orders Entered

- i. Opinion and Order granting in part and denying in part Defendants' Motions to Dismiss (ECF Nos. 283 & 284).
- ii. Case Management Order #21: Modification of Appointments to the Plaintiffs' Steering Committee (ECF No. 289).
- iii. Order appointing Joseph A. Dickson, U.S.M.J. (ret.) as Special Master (ECF No. 293).

b. Other

- i. As a result of Magistrate Judge Dickson's retirement, Magistrate Judge

Edward S. Kiel was assigned.

- ii. As of April 20, 2021, there have been 602 individual cases and one putative class action filed in or transferred to this MDL.

II. CASE MANAGEMENT

- a. An initial conference before Judge Dickson has been scheduled for April 26, 2021.
- b. The parties anticipate agreement on the timing and procedure for Defendants' responsive pleadings and shall submit a proposed consent order promptly.

III. SCHEDULING

The Court will hold case management conferences on the following dates at 11:00 a.m. EST (the Court to provide the Zoom information):

- May 18, 2021
- June 15, 2021
- July 10, 2021

Liaison Counsel shall appear on these dates at 10:00 a.m. EST (counsel to provide the Zoom information). Liaison Counsel is encouraged to submit a proposed joint agenda at least three (3) days prior to any scheduled case management conference.

IV. COMMUNICATION WITH THE COURT AND FILINGS

No motions shall be filed without leave of Court.

Unless otherwise ordered by this Court, all substantive communications with the Court shall be in writing, with copies to opposing counsel. Nevertheless, the Court recognizes that cooperation by and among plaintiffs' counsel and by and among defendants' counsel is essential for the orderly and expeditious resolution of this litigation. The communication of information among and between plaintiffs' counsel and among and between defendants' counsel shall not be deemed a waiver of the attorney-client privilege or the protection afforded attorney's work

product, and cooperative efforts contemplated above shall in no way be used against any plaintiff by any defendant or against any defendant by any plaintiff. Nothing contained in this provision shall be construed to limit the rights of any party or counsel to assert the attorney-client privilege or attorney work product doctrine.

Counsel may contact ex parte, for the purpose of settlement discussions only, Judge Martinotti via email at brian_martinotti@njd.uscourts.gov or Judge Kiel via email at ESK_Orders@njd.uscourts.gov.

Dated: April 30, 2021

/s/Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE