

**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 # 23
(Defendants' Answers to Plaintiffs' Master Long Form Complaint
for Personal Injuries and Plaintiffs' Consolidated Class Action Complaint)**

The Court finds the Parties have conferred regarding a Case Management Order addressing Defendants' Answer ("Master Answer") to Plaintiffs' Master Long Form Complaint for Personal Injuries [ECF No. 119] ("Master Complaint") and Defendants' Answer ("CAC Answer") to Plaintiffs' Consolidated Class Action Complaint [ECF No. 118] ("Class Complaint"). The Parties having stipulated thereto, and for other good cause shown, it is **ORDERED** as follows:

I. GENERAL PROVISIONS

A. Scope of Order. This Order shall apply to all personal injury cases pending in MDL No. 2921 and to all related personal injury cases that will be filed in, transferred to, or removed to MDL No. 2921 (collectively, the "MDL proceedings"). This Order is binding on all parties and their counsel in all such cases.

B. Purpose of Order. In light of the number of cases filed to date and likely to be filed in the future in these MDL proceedings, the Parties have agreed to the procedures set forth below regarding Defendants' Master Answer and CAC Answer. This Order is not intended to

alter the applicable provisions of the Federal Rules of Civil Procedure or the Local Civil Rules of this Court, except as otherwise provided below or in any subsequent Case Management Order.

II. MASTER ANSWER

A. Deadline for Filing Master Answer. Within 60 (sixty) days of the entry of this Order, Defendants shall file their Master Answer.

B. Impact of Master Answer. Upon its filing, the Master Answer shall be deemed to have been filed in every current or future case associated with the MDL proceedings, with no further action required by Defendants. Thereafter, any Plaintiff who wishes to dismiss her or his case may do so upon the filing of a stipulation as provided by Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and such stipulation shall not be unreasonably withheld by Defendants, or upon Court Order as provided by Federal Rule of Civil Procedure 41(a)(2). The Parties agree that the filing of the Master Answer will serve as Defendants' responses to the Short Form Complaints and all affirmative defenses pled in the Master Answer are explicitly incorporated in response to any Short Form Complaint. To the extent that any Short Form Complaint contains allegations different from or in addition to the allegations in the Master Complaint, the Master Answer shall be deemed to deny all such allegations. To the extent that any Short Form Complaint contains allegations, causes of action, and/or parties different from those set forth in the Master Complaint, Defendants reserve their rights to file an amended answer at a time agreed upon by the parties or ordered by this Court. In addition, any Plaintiff who has filed a Short Form Complaint and who wishes to amend same may do so within 21 days after service of the Master Answer by Defendants. Any Plaintiff who files a Short Form Complaint after the filing of the Master Answer and who wishes to amend same may do so within 21 days after serving it.

III. CAC ANSWER

A. Deadline for Filing CAC Answer. Within 60 (sixty) days of the entry of this Order, Defendants shall file their CAC Answer.

DATED: June 23, 2021



HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE