

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

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

**THIS DOCUMENT RELATES TO:  
ALL CASES**

**Case No. 2:19-md-02921(BRM)(LDW)  
MDL No. 2921**

**JUDGE BRIAN A. MARTINOTTI**

**MAGISTRATE JUDGE LEDA DUNN  
WETTRE**

**CASE MANAGEMENT ORDER NO. 34  
(Order Governing Explant Trial Bellwethers Cases and Related Matters)**

This Court having held a Case Management Conference on June 10, 2025, to address the status of the litigation and other matters, and having ordered the Parties to meet and confer concerning certain scheduling deadlines, and for good cause shown, enters the following Order:

**I. SELECTION OF BELLWETHER SURGICAL EXPLANT CASES**

- A. The first surgical explant trial is scheduled for June 15, 2026. The Court will decide on the structure of the trial (including but not limited to Plaintiffs' request for a consolidated trial and Allergan's opposition to that request) as follows. The Parties shall submit a joint or competing proposals on the structure of the first trial one week before the November 11, 2025 scheduled Case Management Conference, and the Court shall hear argument and decide this issue at or following that Case Management Conference.
- B. As of June 20, 2025, initial core discovery is near complete for the sixteen bellwether plaintiffs who allege they have undergone an explant/revision surgery. From this pool, on Wednesday, July 16, 2025, Plaintiffs shall select eight (8) and on Monday, July 21, 2025, Defendants shall select four (4) surgical explant cases, for a total of twelve (12) cases to be prepared for trial.

## **II. PRETRIAL DEADLINES FOR 12 CHOSEN EXPLANT CASES**

- A. Fact discovery specific to the 12 chosen cases will begin on July 21, 2025, and be completed by November 7, 2025.
- B. Initial disclosures for the 12 chosen cases shall be served by August 15, 2025.
- C. Any fact discovery motions (*e.g.*, motions to compel) must be filed promptly after the issue arises, with all such motions to be filed by November 7, 2025.
- D. Expert reports pursuant to Rule 26 shall be served as follows: (i) Plaintiffs' opening expert reports due November 12, 2025; (ii) Defendants' responsive expert reports due December 22, 2025; and (iii) Plaintiffs' rebuttal expert reports due January 27, 2026, which will be limited to responding to Defendants' reports.
- E. The Parties can thereafter depose each other's experts by February 27, 2026, by which date expert discovery shall close.
- F. Dispositive motions and expert-related motions shall be filed by March 3, 2026. Oppositions to any such motions will be filed by April 3, and reply briefs shall be filed by April 24, 2026.
- G. Motions *in limine* shall be filed by April 10, 2026. Oppositions to any such motions shall be filed by April 24, 2026, and reply briefs shall be filed by May 8, 2026.
- H. Pretrial disclosures, including deposition designations and trial exhibit lists shall be filed by April 22, 2026. Objections and responsive disclosures, including counter-designations and rebuttal exhibits, shall be filed by May 13, 2026. Objections to counter-designations and rebuttal exhibits shall be filed by May 27, 2026.

## **III. NEXT CASE MANAGEMENT CONFERENCE AND ADR**

- A. The next case management conference is scheduled for July 8, 2025. This conference will be conducted via Zoom. Liaison and lead counsel shall appear by Zoom with the Court at 1 p.m. Eastern. All other counsel may appear via dial-in (to be circulated) at 2 p.m. Eastern unless otherwise provided by the Court. The parties shall meet and confer regarding submission of the proposed agenda for the conference and shall submit the same to the Court no later than Tuesday, July 2, 2025.
- B. The parties are directed to continue working in good faith with each other to attempt to resolve all the claims in this litigation. Plaintiffs' Settlement Committee and Allergan are directed to be fully prepared to participate in good faith in-person mediation sessions scheduled before Judge Welsh on October 7<sup>th</sup> and 10<sup>th</sup>, 2025, which shall be attended only by Allergan (and its counsel), and Plaintiffs' Settlement Committee as appointed by the Mediator.

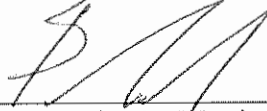
#### **IV. OTHER CASES AND AMENDMENT**

- A. The parties dispute the status of the product-in-place cases. Plaintiffs believe that the Court stayed these cases in Case Management Order 12 and reaffirmed at the last Case Management Conference that these cases are to remain stayed for now and shall not be worked up further at this time pending the explant case trials and determination of Plaintiffs' Motion for Class Certification. Allergan believes that the Court did not rule those cases be stayed, did not address Plaintiffs' Motion for Class Certification, and instead indicated that these remaining cases should proceed to litigation at the last Case Management Conference. Allergan plans to raise this issue at the July 8, 2025 Case Management Conference, and will be included on the Tuesday, July 2, 2025 agenda, unless the Court directs otherwise.

B. This Order may be modified or amended only for good cause shown, after appropriate notice and opportunity to be heard is provided to the affected parties, when the Court believes the interest of justice requires modification.

**It is SO ORDERED.**

**BY THE COURT:**

A handwritten signature in black ink, appearing to read 'B. Martinotti', is written over a horizontal line.

Hon. Brian R. Martinotti, USDJ

Dated: June 25, 2025