

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

	Case Nos.
SHERYL MCCALL and DAVID MCCALL,	: 3:20-cv-08074; 3:20-cv-12605;
	: 3:20-cv-07758; 3:20-cv-14668;
	: 3:20-cv-07756; 3:20-cv-14663;
<i>Plaintiffs,</i>	: 3:20-cv-14447; 3:20-cv-09530;
	: 3:20-cv-10080; 3:20-cv-07753;
<i>v.</i>	: 3:20-cv-12328; 3:20-cv-11913;
	: 3:20-cv-11912; 3:20-cv-12608;
JANSSEN PHARMACEUTICALS, INC., et al.,	: 3:20-cv-07079; 3:20-cv-10341;
	: 3:20-cv-11921; 3:20-cv-12421;
	: 3:20-cv-13940; 3:20-cv-10342;
<i>Defendants.</i>	: 3:20-cv-07750; 3:20-cv-14448;
	: 3:20-cv-14450; 3:20-cv-12547;
<i>This Document Relates to All Cases</i> ¹	: 3:20-cv-10966; 3:20-cv-11919;

¹ The served cases are: (1) *Rebecca Anthony and Carlie Anthony v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12605-BRM-ZNQ; (2) *Lynn Brewer and William Brewer v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07758-BRM-ZNQ; (3) *Connie Combs and Roy Combs v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-14668-BRM-ZNQ; (4) *Harriet Comstock v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07756-BRM-ZNQ; (5) *Amanda Cooper v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-14663-BRM-ZNQ; (6) *Vanessa L. Davis v. ALZA Corporation, et al.*, 3:20-cv-14447-BRM-ZNQ; (7) *Sherry Dobbins and James Dobbins v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-09530-BRM-ZNQ; (8) *Carol Dubois v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10080-BRM-ZNQ; (9) *Deborah Edwards v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07753-BRM-ZNQ; (10) *Margaret Emmons v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12328-BRM-ZNQ; (11) *Marilyn J. Evans v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11913-BRM-ZNQ; (12) *Iris Groudan v. Janssen Pharmaceuticals Inc., et al.*, 3:20-cv-11912-BRM-ZNQ; (13) *Carol Hardy and Roger Hardy v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12608-BRM-ZNQ; (14) *Valerie Hull and Edward Hull v. Teva Pharmaceuticals, Inc., et al.*, 3:20-cv-07079-BRM-ZNQ; (15) *Clara Johns v. ALZA Corp., et al.*, 3:20-cv-10341-BRM-ZNQ; (16) *Tiffany Kotz v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11921-BRM-ZNQ; (17) *Elizabeth Lafave v. Teva Branded Pharmaceutical Products R&D, Inc., et al.*, 3:20-cv-12421-BRM-ZNQ; (18) *Velma Lehmann v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-13940-BRM-ZNQ; (19) *Shirley Ruth Levy v. ALZA Corp., et al.*, 3:20-cv-10342-BRM-ZNQ; (20) *Barbara Mayou and Keith Mayou v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07750-BRM-ZNQ; (21) *Sheryl McCall and David McCall v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-08074-BRM-ZNQ; (22) *Dawn Petrovia v. ALZA Corporation, et al.*, 3:20-cv-14448-BRM-ZNQ; (23) *Susan Preece v. ALZA Corporation, et al.*, 3:20-cv-14450-BRM-ZNQ; (24) *Loretta Reid v. Janssen Pharmaceutical, Inc., et al.*, 3:20-cv-12547-BRM-ZNQ; (25) *Maria A. Rodgers v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10966-BRM-ZNQ; (26) *Michelle Scott v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11919-

: 3:20-cv-10968; 3:20-cv-12264;
3:20-cv-13596; 3:20-cv-14452;
3:20-cv-14670; 3:20-cv-06070;
3:20-cv-10960
JUDGE BRIAN R. MARTINOTTI
JUDGE ZAHID N. QURAISHI

CASE MANAGEMENT ORDER NO. 7

The Court having held a case management conference on October 26, 2020, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

A. As of October 29, 2020, 37 cases alleging products liability claims relating to use of Elmiron have been filed in the District of New Jersey with 33 complaints being served. All cases are assigned to Judge Martinotti.

II. PENDING MOTIONS

A. All pending motions have been administratively terminated without prejudice for leave to file at a later date. The parties may continue to meet and confer on possible motions to dismiss and shall report on their progress, if necessary, at the next case management conference. Defendants' initial entries of appearance and deadlines to answer or otherwise plead remain tolled until further order of this Court.

III. PROPOSED CASE MANAGEMENT ORDERS

BRM-ZNQ; (27) *Heather Shaffer v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10968-BRM-ZNQ; (28) *Cynthia Vescio v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12264-BRM-ZNQ; (29) *Deborah F. Weiner v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-13596-BRM-ZNQ; (30) *Dondra White v. ALZA Corporation, et al.*, 3:20-cv-14452-BRM-ZNQ; (31) *Maria Windham v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-14670-BRM-ZNQ; (32) *Becky Worden v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-06070-BRM-ZNQ; (33) *Ronna York v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10960-BRM-ZNQ.

- A. The parties are meeting and conferring regarding a plaintiff fact sheet/defense fact sheet (“PFS” and “DFS”) and process, as well as the related collection of signed authorizations and medical records, and shall either submit agreed-upon proposals or report on status during the next case management conference. The parties are coordinating with plaintiffs’ counsel in other jurisdictions, primarily the Court’s designated liaison counsel from Philadelphia, to coordinate content of the PFS and DFS submissions and the processes.
- B. The parties are meeting and conferring on a deposition protocol, including the detail of same and whether it simply needs to govern remote deposition protocols given the COVID-19 global pandemic.
- C. The parties continue to meet and confer on the scheduling of the Rule 30(B)(6) most knowledgeable deposition relating to Bayer as further outlined in CMO 5. The parties now report that they have agreed for the deposition to take place on November 11, 2020. The Court confirmed with Defendants and Pennsylvania liaison counsel that the invitation to the Pennsylvania litigants was offered, which it had been.
1. Related to Bayer, the appointed Pennsylvania liaison advised of its third-party subpoena that they had planned to issue to Bayer. She also advised the court that Janssen agreed to facilitate such discovery without the need for a subpoena because in accordance with this Court’s CMO the former Bayer Defendants have agreed and are under Court Order to make discovery available to the New Jersey litigants, and this discovery should also be provided to the Pennsylvania liaison counsel for use with

the Pennsylvania plaintiffs.

- D. The parties also continue to meet and confer on the dismissal of additional Teva entities, and shall report on the status of their discussions at the next case management conference.
- E. Plaintiffs indicated that they intend to propound on the Janssen Defendants a master set of discovery requests, including interrogatories and document demands, within the next week.
- F. The parties continue to meet and confer on search terms, document production issues, and the scheduling of depositions, and shall provide an update at the next case management conference; Plaintiffs' counsel advised that they were seeking input from all other Plaintiffs' counsel with cases filed in New Jersey so as to capture more issues, and hopefully avoid the necessity of propounding more discovery after a MDL is created and the need for supplementation of discovery responses and associated costs therein.
- G. The Janssen Defendants produced their first installment of their rolling production, including the majority of the NDA as mandated by this Court, on October 23, 2020, and plan to make a production each month. They are currently planning on making their next installments on November 13, 2020, and December 11, 2020, and will provide an update later this year regarding additional installments.

IV. COORDINATION/COOPERATION

- A. The parties are continuing to work collaboratively and cooperatively with attorneys in other jurisdictions who have filed Elmiron lawsuits to coordinate content and entry of orders, avoid duplicative efforts and inconsistent processes, and conserve

judicial resources to the extent practicable.

- B. To the extent any other jurisdictions have not issued stays or are proceeding forward, the parties will update the Court on their efforts to coordinate with those other jurisdictions at the next case management conference. Defendants' counsel Michael C. Zogby shall provide updated case and new counsel lists of other jurisdictions' Elmiron new case filings, not simply for new New Jersey filings, as required under CMO 1.

V. SCHEDULING

- A. The next case management conference is scheduled for **November 16, 2020, at 9:00 a.m.** Counsel for plaintiffs shall provide a reasonable list of attendees in advance of the conference, so that the conference can be conducted by WebEx or Zoom.
- B. Counsel is required to submit via email a joint agenda **three** days prior to the next scheduled conference. If there are any disagreements as to the agenda, counsel shall set forth each party's position.
- C. The parties shall meet and confer on a weekly basis regarding newly filed cases, and counsel for the Janssen Defendants shall provide a weekly update of cases filed in the District of New Jersey to Dana_Sledge-Courtney@njd.uscourts.gov.
- D. Counsel shall abide by Judge Martinotti and Judge Quraishi's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

Dated: October 30~~th~~th 2020



The Hon. Brian Martinotti, U.S.D.J.