

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

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**IN RE: ELMIRON (PENTOSAN  
POLYSULFATE SODIUM) PRODUCTS  
LIABILITY LITIGATION**

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**Case No. 2:20-md-02973 (BRM)(ESK)  
MDL No. 2973**

**THIS DOCUMENT RELATES TO:  
ALL CASES**

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

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**MDL CASE MANAGEMENT ORDER NO. 11**

The Court, having held an MDL Case Management Conference (“CMC”) on June 9, 2021, and for good cause shown, enters the following Order:

**I. STATUS OF LITIGATION AND COORDINATION**

As of June 9, 2021, 280 cases alleging products liability claims relating to use of Elmiron have been filed and served (237 federal and 43 in New Jersey and Pennsylvania state courts).

**II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

Two Case Management Orders (“CMO”) have been entered on the MDL docket since the last CMC (May 12, 2021):

1. MDL Case Management Order No. 9. Preliminary Scheduling Order that sets forth dates for discovery plan and trial date of January 2023.
2. MDL Case Management Order No. 10. This case management order confirmed the issues discussed during the May 12, 2021 telephonic case management conference.

**III. PROPOSED CASE MANAGEMENT ORDERS**

The parties are continuing to meet and confer on four orders:

- A. Common Benefit Order. Plaintiffs are preparing a proposed common benefit order, and the parties shall meet and confer in advance of submission to the Court.
- B. Science Day Order. The parties shall continue to meet and confer regarding Science Day scheduled for September 30, 2021, including logistics, attendance, and coordination.
- C. Teva Dismissals. The parties shall continue to meet and confer regarding limited discovery in the context of the dismissal of certain Teva entities.
- D. Bellwether Discovery. The parties shall continue to meet and confer regarding the timing and logistics of bellwether case selection and discovery.

**IV. DISCOVERY**

The parties shall continue to meet and confer relating to discovery issues generally, and any disputes shall be directed to Judge Polifroni.

**V. MOTION PRACTICE**

MDL CMO No. 1 administratively terminated all pending motions, except for *pro hac vice* admission motions, so that the parties could meet and confer regarding the dismissal of claims and certain named defendants.

**VI. FUTURE CASE MANAGEMENT CONFERENCE DATES**

The next case management conference is scheduled for **Wednesday, July 7, 2021**. For the July 7, 2021 conference, Liaison Counsel, Lead Counsel for Plaintiffs, and Lead Counsel for Defendants shall appear via Zoom at 11:00 a.m. All other counsel shall appear via dial-in (to be circulated) at 12:00 p.m., unless otherwise provided by the Court. Counsel shall email their

intention to attend the conference to Mr. Zogby, at michael.zogby@faegredrinker.com, by July 2, 2021. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: June 22, 2021

A handwritten signature in black ink, appearing to read "Brian Martinotti", written over a horizontal line.

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