

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

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<b>IN RE: ELMIRON (PENTOSAN POLYSULFATE SODIUM) PRODUCTS LIABILITY LITIGATION</b>	:	<b>Case No. 2:20-md-02973 (BRM)(ESK) MDL No. 2973</b>
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<b>THIS DOCUMENT RELATES TO: ALL CASES</b>	:	<b>JUDGE BRIAN R. MARTINOTTI JUDGE EDWARD S. KIEL</b>
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**MDL CASE MANAGEMENT ORDER NO. 14**

The Court, having held an MDL Case Management Conference (“CMC”) on August 11, 2021, and for good cause shown, enters the following Order:

**I. STATUS OF LITIGATION AND COORDINATION**

As of August 11, 2021, 422 cases alleging products liability claims relating to use of Elmiron have been filed and served (369 federal and 53 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 (July 7, 2021):

1. MDL Case Management Order No. 12. This case management order confirmed the issues discussed during the July 7, 2021 telephonic case management conference. On August 11, 2021, the Court entered an amended version of MDL Case Management Order No. 12, which was submitted without objection, adding another PSC member.
2. MDL Case Management Order No. 13. This case management order addressed Science Day, which is scheduled for September 30, 2021.

### **III. PROPOSED CASE MANAGEMENT ORDERS**

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

- A. Bellwether and Trial Process Order. The parties shall continue to meet and confer on bellwether and trial process issues. The parties shall present any disputed issues to Judge Polifroni.
- B. Teva Dismissal Order. By Friday, August 13, 2021, counsel for Teva shall provide a status update relating to the Rule 30(b)(6) notice and the deposition scheduled for August 20, 2021, as well as provide an update on Teva's next document production.

### **IV. JANSSEN DISCOVERY**

The parties shall continue to meet and confer, and shall direct any discovery issues to Judge Polifroni regarding discovery requests, Rule 30(b)(6) depositions, and fact witness depositions, which shall be coordinated with the state courts.

### **V. STATE-FEDERAL COORDINATION**

This Court will continue to communicate with the state court judges handling products liability claims relating to use of Elmiron to connect and encourage cooperation between the parties. The PSC will also continue to use its best efforts to foster cooperation in the deposition scheduling and taking of defense witnesses.

### **VI. SCIENCE DAY**

In preparation for Science Day, which is scheduled for September 30, 2021, the parties shall work together on logistics in the event the presentations need to occur virtually as opposed to in person.

**VII. 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.

**VIII. FUTURE CASE MANAGEMENT CONFERENCE DATES**

The next case management conference is scheduled for **Wednesday, September 8, 2021**. For the September 8, 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 September 3, 2021. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: August 26, 2021



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