

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

IN RE: ELMIRON (PENTOSAN POLYSULFATE SODIUM) PRODUCTS LIABILITY LITIGATION	:	Case No. 2:20-md-02973 (BRM)(ESK) MDL No. 2973
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THIS DOCUMENT RELATES TO: ALL CASES	:	JUDGE BRIAN R. MARTINOTTI JUDGE EDWARD S. KIEL
	:	
	:	

MDL CASE MANAGEMENT ORDER NO. 18

The Court, having held an MDL Case Management Conference (“CMC”) on October 6, 2021, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of October 6, 2021, 620 cases alleging products liability claims relating to use of Elmiron have been filed and served (556 federal and 64 in state courts).

II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

One Case Management Order (“CMO”) has been entered on the MDL docket since the last CMC (September 8, 2021):

1. MDL Amended Case Management Order No. 16. This case management order confirmed the issues discussed during the September 8, 2021 telephonic case management conference.

III. PROPOSED CASE MANAGEMENT ORDERS

- A. Bellwether and Trial Process Order. The parties have reached agreement

on the bellwether protocol and schedule, which was entered by the Court on October 6.

IV. JANSSEN AND TEVA DISCOVERY

The parties shall continue to meet and confer regarding Janssen and Teva discovery items, deposition issues, and document productions, and submit any issues to Judge Polifroni. The parties shall continue to work with state court counsel to coordinate discovery and depositions.

V. MOTION PRACTICE

Defendants have requested leave to amend CMO No. 1 to move to dismiss manufacturing defect claims being raised in certain cases. Defendants have submitted their request. Plaintiffs submitted their reply on October 13.

VI. SCIENCE DAY

The parties shall coordinate with each other and the Court to identify new dates for Science Day.

VII. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, November 10, 2021**. For the November 10, 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 November 5, 2021. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: November 1, 2021



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