

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

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

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: **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. 25

The Court, having held an MDL Case Management Conference (“CMC”) on February 9, 2022, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of February 9, 2022, 747 cases alleging products liability claims relating to use of Elmiron have been filed and served (666 federal and 81 in state courts).

II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

Three Orders (“CMO”) have been entered on the MDL docket since the last CMC (January 12, 2022):

1. MDL Case Management Order No. 22. Deposition Protocol.
2. MDL Case Management Order No. 23. This case management order confirmed the issues discussed during the January 12, 2022 telephonic case management conference.
3. MDL Case Management Order No. 24. This case management order relates to treater and prescriber depositions.

III. PROPOSED CASE MANAGEMENT ORDERS

A. Dismissal of Teva Entities. The parties shall continue to meet and confer on an order dismissing certain Teva entities.

IV. BELLWETHERS.

Counsel shall meet and confer regarding a bellwether trial selection process and submit a proposal in advance of the next case management conference. The bellwether fact discovery deadline is March 31, 2022, and the bellwether case selection deadline is April 8, 2022.

V. TEVA DISCOVERY

The parties shall continue to meet and confer on discovery issues and proposed amendments to discovery based on the Court's rulings. The parties shall submit any remaining issues to Judge Polifroni.

VI. JANSSEN DISCOVERY

The parties shall continue to meet and confer and submit any issues to Judge Polifroni.

VII. SCIENCE DAY

Science Day is scheduled for **March 25, 2022 at 9:00 am**. The parties shall meet and confer on Science Day logistics and shall discuss a hybrid option in advance of the next conference.

VIII. CASE & CLAIM DATA FORM ORDER

The Court has instructed designated Resolution Counsel regarding its need for certain case and claim data, and has met with designated Resolution Counsel regarding the administrative aspects of such collection. The Court anticipates issuing an order regarding a case and claim data form within 21 days.

IX. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, March 9, 2022**. For the March 9, 2022 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 March 7, 2022. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: March 7, 2022



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