

**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. 28

The Court, having held an MDL Case Management Conference (“CMC”) on May 11, 2022, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of May 11, 2022, 933 cases alleging products liability claims relating to use of Elmiron have been filed and served (823 federal and 110 in state courts).

II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

One Order (“CMO”) has been entered on the MDL docket since the last CMC (March 9, 2022):

1. MDL Case Management Order No. 27. This case management order confirmed the issues discussed during the March 9, 2022 telephonic case management conference.

III. PROPOSED CASE MANAGEMENT ORDERS

- A. Bellwether Deadlines. The parties submitted Amended CMO No. 17, addressing certain bellwether deadlines. The Court shall review the

proposed order for entry.

IV. BELLWETHERS

Twenty cases were initially selected a part of the Bellwether discovery pool, and three have been selected as Bellwether Trial Cases. Limited discovery shall be conducted in those three cases pursuant to Amended CMO No. 17.

V. TEVA DISCOVERY

The parties shall continue to work together regarding discovery and document issues. The parties shall meet and confer regarding any disputes, and shall submit any issues to Judge Polifroni.

VI. JANSSEN DISCOVERY

The parties shall continue to work together regarding document productions and the scheduling of company witness depositions. The parties shall meet and confer regarding any disputes, and shall submit any issues to Judge Polifroni.

VII. SCIENCE DAY

The parties have pre-recorded Science Day presentations, which shall be submitted to the Court.

VIII. STATE COURT CASES

The parties shall continue to coordinate discovery and deadlines between the state court cases and the MDL, and shall report regarding status at the next case management conference.

IX. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, June 8, 2022**. For the June 8, 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 June 3, 2022. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: May 25, 2022

/s/Brian R. Martinotti

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