

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

SHERYL MCCALL and DAVID MCCALL,	Case Nos.
	: 3:20-cv-08074; 3:20-cv-12605;
	: 3:20-cv-07758; 3:20-cv-07756;
	: 3:20-cv-09530; 3:20-cv-10080;
<i>Plaintiffs,</i>	: 3:20-cv-07753; 3:20-cv-12328;
	: 3:20-cv-11913; 3:20-cv-11912;
v.	: 3:20-cv-12608; 3:20-cv-07079;
	: 3:20-cv-10341; 3:20-cv-11921;
JANSSEN PHARMACEUTICALS, INC., <i>et al.,</i>	: 3:20-cv-12421; 3:20-cv-10342;
	: 3:20-cv-07750; 3:20-cv-12547;
	: 3:20-cv-10966; 3:20-cv-11919;
<i>Defendants.</i>	: 3:20-cv-10968; 3:20-cv-12264;
	: 3:20-cv-06070; 3:20-cv-10960
<i>This Document Relates to All Cases</i> ¹	:
	JUDGE BRIAN R. MARTINOTTI
	JUDGE ZAHID N. QURAISHI

¹ This order applies to and shall be served in the following cases: (1) *Rebecca Anthony and Carlie Anthony v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12605-BRM-ZNQ (2) *Lynn Brewer and William Brewer v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07758-BRM-ZNQ; (3) *Harriet Comstock v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07756-BRM-ZNQ; (4) *Sherry Dobbins and James Dobbins v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-09530-BRM-ZNQ; (5) *Carol Dubois v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10080-BRM-ZNQ; (6) *Deborah Edwards v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07753-BRM-ZNQ; (7) *Margaret Emmons v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12328-BRM-ZNQ; (8) *Marilyn J. Evans v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11913-BRM-ZNQ; (9) *Iris Groudan v. Janssen Pharmaceuticals Inc., et al.*, 3:20-cv-11912-BRM-ZNQ; (10) *Carol Hardy and Roger Hardy v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-12608-BRM-ZNQ (11) *Valerie Hull and Edward Hull v. Teva Pharmaceuticals, Inc., et al.*, 3:20-cv-07079-BRM-ZNQ; (12) *Clara Johns v. ALZA Corp., et al.*, 3:20-cv-10341-BRM-ZNQ; (13) *Tiffany Kotz v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11921-BRM-ZNQ (14) *Elizabeth Lafave v. Teva Branded Pharmaceutical Products R&D, Inc., et al.*, 3:20-cv-12421-BRM-ZNQ; (15) *Shirley Ruth Levy v. ALZA Corp., et al.*, 3:20-cv-10342-BRM-ZNQ; (16) *Barbara Mayou and Keith Mayou v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-07750-BRM-ZNQ; (17) *Sheryl McCall and David McCall v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-08074-BRM-ZNQ; (18) *Loretta Reid v. Janssen Pharmaceutical, Inc., et al.*, 3:20-cv-12547-BRM-ZNQ; (19) *Maria A. Rodgers v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10966-BRM-ZNQ; (20) *Michelle Scott v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-11919-BRM-ZNQ (21) *Heather Shaffer v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10968-BRM-ZNQ; (22) *Cynthia Vescio v. Janssen*

CASE MANAGEMENT ORDER NO. 4

The Court having held a case management conference on October 7, 2020, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

A. As of October 7, 2020, 27 cases alleging products liability claims relating to use of Elmiron have been filed in the District of New Jersey with 24 complaints being served. All cases are assigned to Judge Martinotti.

II. PENDING MOTIONS

A. All pending motions have been administratively terminated without prejudice for leave to file at a later date. The parties may continue to meet and confer on possible motions to dismiss and shall report on their progress, if necessary, at the next case management conference. Defendants' initial entries of appearance and deadlines to answer or otherwise plead remain tolled until further order of this Court.

III. PROPOSED CASE MANAGEMENT ORDERS

A. The parties are actively meeting and conferring to finalize an ESI protocol. The parties indicated that they are close to an agreement and shall either submit an agreed-upon form before the next case management conference or report on the status of these negotiations at the next case management conference.

B. The parties continue to meet and confer on the dismissal of the Bayer Defendants, as well as noticing a one-time, Rule 30(B)(6) most knowledgeable deposition on

Pharmaceuticals, Inc., et al., 3:20-cv-12264-BRM-ZNQ; (23) *Becky Worden v. Janssen Pharmaceuticals, Inc., et al.* 3:20-cv-06070-BRM-ZNQ; (24) *Ronna York v. Janssen Pharmaceuticals, Inc., et al.*, 3:20-cv-10960-BRM-ZNQ.

this issue. The parties shall either submit an agreed-upon order or report on status during the next case management conference.

- C. The parties also continue to meet and confer on the dismissal of additional Teva entities, and will report on the status of their discussions at the next case management conference.
- D. The parties are meeting and conferring regarding a plaintiff fact sheet/defense fact sheet process, and the related collection of signed authorizations and medical records, and shall either submit agreed-upon proposals or report on status during the next case management conference.
- E. Plaintiffs indicated that they intend to propound a master set of discovery requests, including interrogatories and document demands, within the next week on the Janssen Defendants.
- F. Plaintiffs have requested prioritizing production of the New Drug Application (“NDA”) by the Janssen Defendants. The Janssen Defendants are in the process of collecting and preparing the NDA for production, which is expected to begin within the next fourteen days. The parties shall provide an update related to the NDA production at the next case management conference.

IV. COORDINATION/COOPERATION

- A. Having heard from counsel regarding the status of the cases pending before this Court and the litigation more broadly, the Court encourages counsel in the District of New Jersey cases, and counsel agrees, that the parties should endeavor to work collaboratively and cooperatively with attorneys in other jurisdictions who have filed Elmiron lawsuits to coordinate content and entry of orders, avoid duplicative

efforts and inconsistent processes, and conserve judicial resources to the extent practicable.

- B. Based on the above-stated goals, the Court hereby appoints Paola Pearson, Esq., of Anapol Weiss, as liaison counsel for purposes of coordinating with counsel representing plaintiffs in Elmiron-related cases filed in the Eastern District of Pennsylvania. Ms. Pearson and designated counsel from the consolidated New Jersey litigation shall work together—towards the above-stated goals – as reasonably as possible recognizing that the Eastern District of Pennsylvania plaintiffs may have different views and obligations than the coordinated New Jersey plaintiffs have.
- C. To the extent any other jurisdictions have not issued stays or are proceeding forward, the parties will update the Court on their efforts to coordinate with those other jurisdictions at the next case management conference. Defendants’ counsel Michael C. Zogby shall provide updated case and new counsel lists of other jurisdictions’ Elmiron new case filings, not simply for new New Jersey filings, as required under CMO 1.

V. SCHEDULING

- A. The next case management conference is scheduled for **October 26, 2020, at 9:00 a.m.** Counsel for plaintiffs shall provide a reasonable list of attendees in advance of the conference, so that the conference can be conducted by WebEx or Zoom.
- B. Counsel is required to submit via email a joint agenda **three** days prior to the next scheduled conference. If there are any disagreements as to the agenda, counsel shall set forth each party’s position.

- C. The parties shall meet and confer on a weekly basis regarding newly filed cases, and counsel for the Janssen Defendants shall provide a weekly update of cases filed in the District of New Jersey to Dana_Sledge-Courtney@njd.uscourts.gov.
- D. Counsel shall abide by Judge Martinotti and Judge Quraishi's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

Dated: October 13th2020



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