

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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

Case No. 2:20-md-02973 (BRM)(ESK)

MDL No. 2973

**JUDGE BRIAN R. MARTINOTTI
JUDGE EDWARD S. KIEL**

**THIS DOCUMENT RELATES TO:
ALL ACTIONS**

ELMIRON – MDL 2973 – SCIENCE DAY GUIDE FOR PARTICIPANTS

I. INTRODUCTION

Case Management Order No. 13 (“CMO 13”), entered on July 16, 2021, sets forth the purpose of and basic ground rules for Science Day, which is to occur on **October 1, 2021 at 11:00 a.m. EST**. This document provides guidance for those attorneys on the Plaintiffs’ Steering Committee and their designees and Defendants named in this MDL who will be observing or participating in Science Day.

As noted in CMO 13, the Science Day proceedings will be treated as **strictly confidential**. Accordingly, all participants must adhere to the guidelines set forth in CMO 13, as well as this document.

II. GENERAL INFORMATION

Science Day will occur via Zoom’s remote meeting platform hosted by Golkow. The total length of Science Day will be approximately four hours, not including time used by the Court to ask questions.

Plaintiffs will present first and have two hours for their presentation on all topics. Plaintiffs plan to call up to two expert witnesses during their presentation. The Court will have the opportunity to ask both the Plaintiffs’ presenters and experts questions after the presentation.

Defendants will present second and have two hours for their presentation on all topics. Defendants also plan to call up to two expert witnesses during their presentation. The Court will have the opportunity to ask both the Defendants’ presenters and experts questions after the presentation.

III. ATTENDEE GUIDE

- 1) Science Day is limited to only Plaintiffs’ Steering Committee firms and attorneys who represent Defendants in this MDL. Consultants, vendors, and/or members of the press may not join, view, or listen to Science Day.

2) If you plan to attend Science Day, you must email both **D. Nicole Guntner** of Aylstock, Witkin, Kreis & Overholtz (nguntner@awkolaw.com) and **Michael C. Zogby** of Faegre Drinker (michael.zogby@faegredrinker.com) by COB on **September 29, 2021**. Please include for each person attending from your firm:

- a. Your full name(s)
- b. Firm name,
- c. Email address(es),
- d. Phone number(s) from which you intend to dial-in (if applicable)
- e. Signed attestation form(s) stating that you will not record the proceedings.

You will receive a Zoom meeting link for Science Day upon providing this information. **You must not share this meeting link with anyone else.**

- 3) In order to avoid any disruption to the Zoom platform, please make reasonable efforts to limit the number of attorneys from the same law firm joining Science Day.
- 4) Science Day will begin promptly at 11:00 a.m. EST. The Zoom meeting will be open as of 10:30 a.m. EST, and you are encouraged to join early. All attendees must be present by 10:55 a.m. EST to ensure that the meeting begins on time and that there are no distractions during the presentations.
- 5) When you join Science Day on the Zoom meeting platform, your zoom name must include your first and last name. Please be sure to update your name in your Zoom account prior to the meeting if necessary. If you do not have a Zoom account, then you will have the option to enter your full name after you click on the meeting link. Attendees using only phone numbers, first names, or nicknames as identities will be removed from the Zoom meeting.
- 6) Unless you are a presenter at Science Day, **you may not turn on your camera and you must stay muted at all times.** Further, you may not use the chat feature or “raise hand” feature during the Zoom meeting. It is essential that your icon remain dormant to ensure that you do not distract the presenters or the Court.
- 7) To ensure that your camera is turned off during Science Day, you are encouraged to follow these instructions before the event:
 - Launch the Zoom app.
 - Go to the Settings menu.
 - Go to the Video tab.
 - Check the option “always turn off/ turn off my video”
- 8) To ensure that your microphone is muted during Science Day, you are encouraged to follow these instructions before the event:
 - Open your Zoom app.

- Go to the Settings menu.
 - Go to the Audio tab.
 - Check the option “always mute the microphone when joining a meeting”
- 9) As set forth in CMO 13, subject only to the exception set out in paragraph 10 below, recording, transcribing, taking pictures, blogging about, or reproducing any portion of Science Day, including any image from Science Day, is **strictly prohibited**. Anyone who records and/or takes or reproduces an image from Science Day or is suspected of doing so will be subject to investigation and may face appropriate penalties, including being held in contempt of Court or sanctions, for violation of CMO 13, this guide, and/or any other duties imposed by law.
- 10) Science Day will be transcribed by a court reporter, but the transcript and the presentations will be for the Court only. The transcript will be marked strictly confidential and maintained under seal by Judge Martinotti. The transcript and the presentations are not discoverable; shall not be used for purposes of future hearings, depositions, trial, or witness examination; and their sole purpose is to provide the Court with a reference and general knowledge. The Court may, upon notice to and consent of the parties, share the transcript and presentations with another judge, as appropriate, for the management and oversight of this litigation and to ensure state-federal coordination efforts.