

PREPARED BY THE COURT

	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ATLANTIC COUNTY
IN RE PROTON-PUMP INHIBITOR LITIGATION	:	CASE NO: 631
	:	Civil Action
	:	MASTER CASE NO. ATL-L-1259-20
	:	
	:	<i>CASE MANAGEMENT ORDER NO. 1</i>

IT APPEARING that all Proton-Pump Inhibitor litigation cases are centralized for management by the Superior Court of New Jersey in the County of Atlantic by Order of the Supreme Court of New Jersey, dated November 12, 2019;

AND IT FURTHER appearing that an equitable, economic, and expedient resolution of these cases require an orderly management plan for this litigation; and therefore

IT IS on this 8th day of JULY, 2020, **ORDERED** as follows:

The Honorable Joseph L. Marczyk, P.J.Cv. shall preside over the “IN RE PROTON-PUMP INHIBITOR LITIGATION.” On Wednesday, July 29, 2020 at 2 p.m., the Court shall conduct and on-the-record case management conference with all counsel using Microsoft Teams. All counsel that plan to participate in the management conference must email the Judge’s team leader, Allison Theoharis at allison.theoharis@njcourts.gov. Ms. Theoharis will then send a return email with an invite and link to the Teams video conference. At that time the court will review the status of discovery and discuss the need to schedule any additional case management conferences. Post the current pandemic, all case management conferences shall take place in Courtroom 3C in the Atlantic County Civil Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401 and plaintiffs’ counsel shall be responsible to circulate a dial-in number for all parties who wish to appear telephonically.

I. GENERAL APPLICABILITY:

1. This order applies to all cases previously filed and all those hereinafter filed or transferred to the County of Atlantic pursuant to the Supreme Court of New Jersey Order of November 12, 2019. The cases are centralized to avoid duplication and to prevent conflicts. Each case will retain its own docket number.
2. All orders by transferor courts imposing dates for pleading or discovery are hereby vacated.
3. Orders and notices common to the entire litigation are available on the Judiciary web page for Multicounty Litigation, which may be accessed at www.njcourtsonline.com.
4. **NOTE:** Attached hereto as “Exhibit A” at page __8__ of this order is a list of cases, identified by party and docket number, which based upon a review of those lawsuits currently pending in the Superior Court of New Jersey, are presently the only matters which involve claims asserting personal injury as result of the use of Proton-Pump Inhibitors. In the event additional Proton-Pump Inhibitor claims are filed, or should this court have failed to identify all of the Proton-Pump Inhibitors currently pending in the Superior Court of New Jersey, then said claims shall be transferred to the County of Atlantic for inclusion in this Multicounty Litigation (hereinafter “MCL”).

II. CAPTIONS, PLEADINGS & SERVICE:

1. All parties are to submit their pleadings via uploading the same onto “e-Courts,” with their captions noting that said complaints are filed with the Superior Court, Law Division, in the County of Atlantic. All of the court’s orders and notices will likewise be posted on e-Courts, unless otherwise noted by the judge presiding over this MCL. All proceedings will be conducted in the Atlantic County Civil

Courthouse located at 1201 Bacharach Boulevard, Atlantic City, New Jersey 08401. The case information statement accompanying the pleading shall identify this matter as Case Type 631.

2. Each complaint is limited to one plaintiff or a related household of plaintiffs. No two plaintiffs may use the same caption on individual complaints. If a complaint has been filed with multiple unrelated plaintiffs, new individual complaints must be filed within thirty (30) days, and upon request, the court will sign an order preserving the original date of filing.
3. All pleadings, motion papers and correspondence shall add the title of “In re: Proton-Pump Inhibitors,” Case No. 631.
4. The Superior Court of New Jersey, County of Atlantic shall maintain a master docket, Docket Number ATL-L-1259-20, and case file caption “IN RE PROTON-PUMP INHIBITOR”. All case management orders, scheduling orders and other similar documents filed therein are deemed filed and docketed in each individual case.

III. PRELIMINARY MATTERS:

1. Each party shall preserve all documents and other records containing information potentially relevant to this litigation. Each party shall also preserve any physical evidence or potential evidence and shall not conduct any tests on physical evidence without notifying opposing counsel. Absent the consent of counsel via formal stipulation consenting to the test, no test shall be conducted without first obtaining the court’s permission.
2. Computerized data shall not be erased under existing programs until opposing counsel have been, or will be, notified of all existing programs subject to additional meet and confer conferences.

IV. **ATTORNEYS:**

1. Counsel are expected to act in a courteous, professional manner at all times during the conduct of this litigation. Each attorney should make a good faith effort to resolve disputes outside of court and in an expeditious manner. Counsel shall attempt to resolve motions before any matter is submitted to the court and must certify to that attempt at the time of filing any motion.
2. Counsel for defendant(s) shall provide the court an official service list updated every sixty (60) days. The list must contain the case names, docket numbers and the date. For each party, counsel must be identified by name, firm name, address, telephone number, fax number, and e-mail address. From these lists, the court will maintain on the MCL website an official counsel list for purposes of facilitating service.
3. Counsel lists **are not to be appended to** any court submission. The counsel list shall be incorporated by reference on all certificates of service, all pleadings, all motions, all correspondence. The reference should be to all counsel on the list and identify by date the last official service list for the cases.
4. ***Pro Hac Vice Admissions:***
 - a. An attorney seeking to appear *pro hac vice* shall apply by formal notice of motion with supporting affidavit and proposed form of order, in compliance with R. 1:21-2 of the Rules Governing Courts of New Jersey.
 - b. *Pro hac vice* counsel may try the case, but is not designated trial counsel. No proceeding shall be adjourned because *pro hac vice* counsel is not available.

- c. All pleadings, motions and correspondence of the court must be submitted by New Jersey counsel.
- d. All out-of-state attorneys representing plaintiffs must certify that all retainer agreements with clients in the subject litigation do not, and in the future will not, violate any of the contingency fee provisions found in the Rules Governing the Courts of New Jersey for the current year.
- e. All out-of-state attorneys seeking admission to represent a corporate defendant must certify as to his or her prior involvement with that corporation or its related entities, including the capacity in which he or she was involved. Further, the attorney must include in the affidavit a statement of his or her good faith belief that he or she was not involved with policy of management decisions, which would require him or her to be called as a witness in any matter for the court.
- f. Counsel admitted *pro hac vice* are required to make annual payment to the Ethics Financial Committee and to the New Jersey Lawyers Fund for Client Protection.

V. CONFERENCE PROCEDURES:

- 1. The court will conduct, and the parties may request, periodic status and scheduling conferences to assess the progress regarding the matters scheduled herein. Reasonable notice of all such conferences will be provided to all counsel of record.
- 2. **Transcripts:**
 - a. The Courtsmart recording will be the official court record of any and all proceedings related to the “IN RE PROTON-PUMP INHIBITOR LITIGATION.” Any party may seek a copy of the recording through the normal court channels.

- b. Counsel may obtain the services of an official court reporter to supplement the official Courtsmart record by filing a certification and order indicating the reporting services company, that Courtsmart will remain the official record, and that a copy of any supplemental recording transcript will be sent directly to the Court.
3. **Appearances:** The date of a case management conference established by court order is a firm date, not readily adjourned except upon exceptional circumstances. Counsel appearing at each case management conference should be familiar with the issues to be discussed. Any attorney appearing remotely, after the judge presiding over this matter gives consent to do so, must notify the court one day prior to the date of the conference with counsel's name, firm, and client.
4. **Compliance:** All counsel are required to comply with the provisions of each case management order whether he or she was in attendance at the conference giving rise to the order.

VI. MOTIONS:

1. **Filing Requirements:** All motions are to be filed on e-courts. Courtesy copies of the motion pleadings for the judge are required. Counsel should send a courtesy copy of the motion to the chambers of the judge presiding over the matter. If the filed motion applies to multiple cases under the "IN RE PROTON-PUMP INHIBITOR LITIGATION," than only one (1) copy of the motion and supporting documents need be supplied with a cover letter indicating that an identical motion is filed under the provided list of docket numbers and names. All motion papers must include a return date scheduled for a regular motion Friday.
2. Any motion that is applicable to all cases shall be filed on one omnibus motion using the master docket number assigned to the caption "IN RE PROTON-PUMP INHIBITOR LITIGATION." In the event any motion, including *pro hac vice*

motions, involves more than one individual case, but not all cases, an omnibus motion and omnibus order, shall be filed with a Schedule A attached listing the individual cases and docket numbers involved in the omnibus motion.

3. Any motion that is applicable to more than one party in a case shall be jointly filed by counsel.
4. Where the motion applies to more than one case, motion fees will be charged for each case, but if the motion is related to all cases under the master docket, the court will charge for one motion.
5. Captions on motions are the same as on pleadings and require the docket number and the designation "IN RE PROTON-PUMP INHIBITOR LITIGATION."
6. An on-the-record in person or telephonic conference with the court is required prior to the filing of any motion related to discovery issues.
7. No motions for summary judgment shall be filed without approval of the court.
8. All motions *in limine*, or motions for a *Kemp/Rubanick*, *Daubert*-type, or *Lopez* hearing shall be scheduled by the court during a pre-trial or case management conference.
9. Oral argument on any opposed motions shall be scheduled by the court and may not coincide with the specified return date in the original notice of motion.

IT IS FURTHER ORDERED that defendant(s) shall serve a copy of this order on all counsel of record within (15) days of the date herein.



JOSEPH L. MARCZYK, P.J.Cv.

Exhibit A

<u>Plaintiff</u>	<u>Docket Number</u>
Michael G. Lupo	ATL-L-3068-19
Ralph Riccardi	ATL-L-3069-19
Cetewayo Taj Hafiz	ATL-L-3070-19
Annette Yetter	ATL-L-3071-19
Leonardo Smith	ATL-L-3072-19
Donna Bator	ATL-L-3074-19
Gregory De Filippo	ATL-L-3076-19
Beth Eckstein	ATL-L-3080-19
Patricia Fisher	ATL-L-3082-19
Joseph Gayle	ATL-L-3084-19
Kimberly Howard	ATL-L-3085-19
Cathy Stackhouse	ATL-L-3086-19
Howard Feder	ATL-L-3087-19
Edward Hill	ATL-L-3088-19
Mary McMillan	ATL-L-3090-19
Mamerto Morales	ATL-L-3091-19
Marie White	ATL-L-3093-19
Stacy Cipollone	ATL-L-3094-19
Julio Carballo	ATL-L-3095-19
Jeffrey Lewis	ATL-L-3096-19
Lisa Kaplan	ATL-L-3097-19
Kathy Fraticelli	ATL-L-3098-19
Domenico Mittiga	ATL-L-3099-19
Darrell Williams	ATL-L-3100-19

Nancy Espada	ATL-L-3102-19
Omelia Fontenot	ATL-L-3103-19
Sandra Godbolt	ATL-L-3104-19
Theresa Schaeffer	ATL-L-3105-19
Rebecca Bland	ATL-L-3106-19
Micah Brooks	ATL-L-3107-19
Samuel Campbell	ATL-L-3108-19
Dennis Williams	ATL-L-3109-19
Stephanie Smith	ATL-L-3110-19
Lorraine Lewis	ATL-L-3111-19
Patricia Liegel	ATL-L-3112-19
Geraldine Sakil	ATL-L-3113-19
Lynne Lower	ATL-L-3114-19
Delores More	ATL-L-3115-19
Linda Russomanno	ATL-L-3116-19
Monica Romans	ATL-L-3117-19
Jacquelin Abdur-Razzaq	ATL-L-3118-19
Berneta Dupree	ATL-L-3119-19
Elizabeth Parsons	ATL-L-3120-19
George DiPoalo	ATL-L-3121-19
Arthur Blankfeld	ATL-L-3122-19
William Henry	ATL-L-3155-19
Daniel Rubin	ATL-L-3239-19
Katherine Squillante	ATL-L-406-20