
IN RE: TASIGNA PRODUCTS
LIABILITY LITIGATION

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY
CASE NO. 635

MASTER DOCKET NO.: BER-L-5018-21

CIVIL ACTION

CASE MANAGEMENT ORDER #5

FILED

AUG 28 2023

GREGG A. PADOVANO, J.S.C.

THIS MATTER having been assigned to the Honorable Gregg A. Padovano, J.S.C., pursuant to the Supreme Court's Order of April 6, 2021, designating this matter for Multicounty Litigation ("MCL") status, and the Court having received a proposed agenda from counsel for the parties, and having conducted a Case Management Conference on July 28, 2023 (via Zoom) whereby the parties provided status updates regarding this MCL and the federal MDL, and for the reasons set forth on the record and good cause shown,

IT IS on this 28th day of August, 2023, **ORDERED**:

1. Discovery

The parties agreed that further discovery is needed in the ten (10) discovery pool cases, including the case selected by NPC to replace *Bodle*. As noted during the July 28, 2023 CMC, issues regarding the disputed scope of case-specific discovery were previously briefed before Magistrate Judge Baker in the MDL. This Court is in receipt of Judge Baker's Order of July 31, 2023. The parties agree to apply the provisions in Judge Baker's Order to the 10 New Jersey discovery pool cases. The scope of permitted discovery in the 10 New Jersey discovery pool cases is thus as follows:

- a. Each side is allowed five (5) depositions (limited to three hours for any deposition) in each case, exclusive of those already taken. Witnesses can be re-deposed, but any re-deposition (of any duration) will count as one of the allowed five.

- b. In light of the disclosure statements, no additional paper discovery is authorized. This ruling does not foreclose obtaining medical or employment records via subpoena duces tecum.
- c. Plaintiffs shall designate with particularity the discovery sought from NPC's sales force. Thereupon, the parties shall meet and confer to agree on proper scope. Any unresolved objections may be presented to this Court.
- d. A corresponding procedure shall be employed as to NPC's requests for ESI from plaintiffs.

To the extent the parties are unable to resolve any discovery disputes, the parties are directed to submit limited letter briefs by September 8, 2023.

2. Deceased Plaintiffs

Plaintiffs will submit a status update regarding all MCL cases with deceased individuals by August 28, 2023, and going forward, plaintiffs will submit a status update seven (7) days prior to each future Case Management Conference.

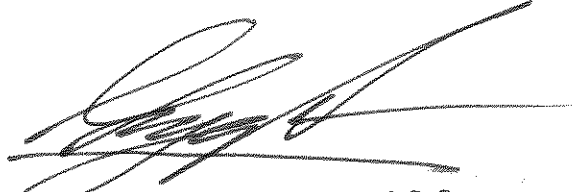
3. Liaison Counsel List

Kathryn S. Jensen will be added to Defendant's Liaison Counsel List.

4. Case Management Conferences

The Court will conduct the next Case Management Conference on **September 19, 2023**, at 10:00 AM eastern via Zoom conference. Counsel for the defense will circulate the Zoom link.

Counsel shall submit an agenda for the Case Management Conference seven (7) days prior to the Case Management Conference by email to the MCL clerks. Counsel shall keep the Court apprised of any relevant developments in the federal MDL.



GREGG A. PADOVANO, J.S.C.