

IN RE PELVIC MESH/
BARD LITIGATION

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION – BERGEN COUNTY
:
: MASTER DOCKET NO. BER-L-17717-14

FILED

FEB 07 2022

RACHELLE L. HARZ
J.S.C.

Civil Action

**ORDER REGARDING
CALCULATION OF
ATTORNEYS FEES AND
EXPENSES**

THIS MATTER having come before the Court via submission of a letter from Adam M. Slater, Esq., Plaintiffs’ Liaison Counsel, on notice to all Plaintiffs’ counsel, and Melissa Geist, Esq., Defendants’ Liaison Counsel, and all Defendants’ counsel, and in the interest of the efficient supervision and management of this litigation, and for good cause shown;

IT IS on this 7th day of February, 2022,


ORDERED that the calculation of attorneys’ fees and expenses for the settlement or judgment of any case or cases in this Multi County Litigation at any time shall be made in accordance with R. 1:21-7(c) and R. 1:21-7(d); and

ORDERED that R.1:21-7(i) is not applicable to the calculation of attorneys’ fees and expenses for the settlement or judgment of any case or cases in this litigation at any time, as the claims raised in each case do not arise from the same transaction, the same set of facts, or involve substantially identical liability issues. Instead, among other reasons, (1) each case involves a different transaction, as each individual plaintiff was implanted in a completely separate, individual operation(s) after informed consent was provided for that specific operation, and the charges and payments for the device system(s) at issue and surgery related costs are all separate and individual, (2) each case involves a different set of facts as each individual plaintiff presents

her own unique medical history, list of relevant physicians, interactions with physicians including informed consent discussions, pelvic mesh devices at issue, course of treatment, complications, and injuries, and the need for case specific experts to prove each case, and (3) the cases do not all involve substantially identical liability issues since the plaintiffs were implanted with a variety of devices, for varied indications, with different warnings, including different warnings for the same products as the warnings and information in the IFU's and patient brochures were changed over time, had different implanting doctors/learned intermediaries, and individual causation issues; and

ORDERED that any common benefit award or allocation to a law firm is to the law firm only, and is/was not intended to be paid to the law firm's individual clients; and it is

FURTHER ORDERED that a true copy of this Order shall be served on all counsel of record within 5 days of receipt of this Order.

A handwritten signature in black ink, appearing to read "Rachelle L. Harz". The signature is written in a cursive, somewhat stylized font.

HONORABLE RACHELLE L. HARZ, J.S.C.