UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE: ALLERGAN BIOCELL TEXTURED **BREAST IMPLANT PRODUCTS LIABILITY**: LITIGATION

: Case No. 2:19-md-02921 (BRM)(JAD)

MDL NO. 2921

JUDGE BRIAN R. MARTINOTTI JUDGE JOSEPH A. DICKSON

THIS DOCUMENT RELATES TO: ALL CASES

CASE MANAGEMENT ORDER #14

These matters having been transferred to this Court by order of the Judicial Panel on Multidistrict Litigation pursuant to its order of December 18, 2019, meriting special attention as complex litigation, the Court having entered its Initial Case Management Order (ECF No. 13) on January 7, 2020, setting forth the Court's parameters and expectations of counsel during the course of this litigation, the Court having held a video status conference on August 10, 2020, via Zoom, for good cause shown, the Court enters the following Order:

I. **CASE MANAGEMENT**

A. Complaints

- i. Master Complaints were filed on May 26, 2020. (ECF Nos. 118, 119.) Counsel shall continue to meet and confer regarding a proposed order implementing the master complaints.
- ii. The parties will meet and confer regarding a Short Form Complaint and implementing CMO that will provide instruction and deadlines for the filings of Short Form Complaints. After the Court approves a short form complaint, the Court will require all Plaintiffs to file a short form complaint

in their individual docket associated with MDL 2921. This includes

plaintiffs whose cases were removed or transferred to MDL 2921 as well as

those who direct filed individual cases into MDL 2921.

B. Counsel shall continue to meet and confer regarding a proper parties order.

C. Allergan has filed its Rule 12(b)(6) motions. Plaintiffs' opposition is due September

8, 2020. Reply is due October 8, 2020.

II. SCHEDULING

The following dates have been scheduled for 2020 case management conferences at 12:00

p.m. Liaison counsel shall appear at 11:00 a.m., unless otherwise stated:

September 14, 2020 (10:30 a.m. via Zoom)

October 19, 2020

November 2, 2020

December 14, 2020

Parties shall meet and confer regarding 2021 dates and shall coordinate with Judge Harz's

chambers.

III. COMMUNICATION WITH THE COURT AND FILINGS

No motions shall be filed without leave of Court.

Unless otherwise ordered by this Court, all substantive communications with the Court

shall be in writing, with copies to opposing counsel. Nevertheless, the Court recognizes that

cooperation by and among plaintiffs' counsel and by and among defendants' counsel is essential

for the orderly and expeditious resolution of this litigation. The communication of information

among and between plaintiffs' counsel and among and between defendants' counsel shall not be

deemed a waiver of the attorney-client privilege or the protection afforded attorney's work

2

product, and cooperative efforts contemplated above shall in no way be used against any plaintiff

by any defendant or against any defendant by any plaintiff. Nothing contained in this provision

shall be construed to limit the rights of any party or counsel to assert the attorney-client privilege

or attorney work product doctrine.

Counsel may contact ex parte, for the purpose of settlement discussions only, Judge

Martinotti via email at brian_martinotti@njd.uscourts.gov or Judge Dickson via email at

Chambers_of_Magistrate_Judge_Joseph_Dickson@njd.uscourts.gov.

Date: August 19, 2020

/s/Brian R. Martinotti

BRIAN R. MARTINOTTI

UNITED STATES DISTRICT JUDGE

3