UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE: ALLERGAN BIOCELL TEXTURED BREAST IMPLANT PRODUCTS LIABILITY LITIGATION JUDGE BRIAN R. MARTINOTTI JUDGE JOSEPH A. DICKSON

THIS DOCUMENT RELATES TO: ALL CASES

CASE MANAGEMENT ORDER #5

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 ligation, the Court having held a telephonic status conference on March 16, 2020, for good cause shown, the Court enters the following Order:

I. CASE MANAGEMENT

- A. Plaintiffs' emergency motion (ECF No. 5) will be scheduled for oral argument at a time and in a manner to be set by Judge Dickson.
- B. Parties shall continue to meet and confer regarding the items listed below and shall submit to the Court proposed consent orders upon reaching agreements. If an agreement cannot be reached, the parties should be prepared to discuss the issue at the next case management conference.
 - i. Protective order
 - ii. ESI order

- iii. Service of Process on Allergan
- iv. Direct Filing in the MDL
- v. Science Day procedure
- vi. Use of and procedures for MDL Centrality related to PPF/PFS/DFS discovery
- vii. Ex parte communications with treating physicians

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.

April 20, 2020 May 18, 2020 June 1, 2020 July 13, 2020 August 10, 2020 September 14, 2020 October 19, 2020 November 2, 2020 December 14, 2020

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 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: March 16, 2020

/s/Brian R. Martinotti BRIAN R. MARTINOTTI UNITED STATES DISTRICT JUDGE