

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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<b>IN RE: ALLERGAN BIOCELL TEXTURED</b>	:	<b>Case No. 2:19-md-02921 (BRM)(JAD)</b>
<b>BREAST IMPLANT PRODUCTS LIABILITY</b>	:	<b>MDL NO. 2921</b>
<b>LITIGATION</b>	:	
	:	<b>JUDGE BRIAN R. MARTINOTTI</b>
	:	<b>JUDGE JOSEPH A. DICKSON</b>

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**THIS DOCUMENT RELATES TO: ALL CASES**

**CASE MANAGEMENT ORDER #13**

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 July 13, 2020, via Zoom, for good cause shown, the Court enters the following Order:

**I. ORDERS ENTERED SINCE LAST CMC**

- A. Case Management Order No. 11 (Science Day) (ECF No. 115), filed May 26, 2020
- B. Case Management Order No. 12 (Protective Order) (ECF No. 138), filed July 7, 2020

**II. CASE MANAGEMENT**

- A. Master Complaints were filed on May 26, 2020. (ECF Nos. 118, 119.) Counsel shall meet and confer regarding a proposed order implementing the master complaints, as well as a short form complaint.
- B. Counsel shall continue to meet and confer regarding a proper parties order.

C. Allergan to file all Rule 12(b)(6) motions, including a motion to dismiss based on preemption, by August 7, 2020. Opposition due September 8, 2020. Reply due October 8, 2020.

i. Defendant's application to file an overlength brief is granted, subject to counsel meeting and conferring regarding the parameters.

### **III. 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:

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

September 14, 2020

October 19, 2020

November 2, 2020

December 14, 2020

### **IV. 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](mailto:brian_martinotti@njd.uscourts.gov) or Judge Dickson via email at [Chambers\\_of\\_Magistrate\\_Judge\\_Joseph\\_Dickson@njd.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Joseph_Dickson@njd.uscourts.gov).

Date: July 15, 2020

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