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

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JUDGE BRIAN R. MARTINOTTI JUDGE JOSEPH A. DICKSON

THIS DOCUMENT RELATES TO: ALL CASES

CASE MANAGEMENT ORDER #16

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 September 14, 2020, via Zoom, for good cause shown, the Court enters the following Order:

I. CMOs ENTERED SINCE LAST CMC

A. Case Management Order #15 (Regarding Electronically Stored Information and Hard Copy Documents) (entered September 4, 2020)

II. CASE MANAGEMENT

- A. Motions and Issues Pending Before the Court
 - Sloan Plaintiffs' Emergency Motion: Judge Dickson will schedule a date for a hearing to discuss the proposed corrective notices, submitted on August 14, 2020, pursuant to his July 14, 2020 Order.
 - ii. Protective Order: Counsel shall meet and confer and submit within three

days a consent order to the Court which embodies Judge Dickson comments from the July 27, 2020 hearing.

B. Case Management

Allergan has filed its Rule 12(b)(6) motions. Plaintiffs' opposition is due
October 7, 2020. Reply is due November 9, 2020.

ii. CMO #14 Status Updates:

- Master Complaint/Short Form Complaint CMO: Counsel has submitted a proposed CMO. Counsel will resubmit a proposed CMO which reflects the discussion on the record.
- Plaintiffs' steering committee shall email all plaintiffs' counsel to clearly set forth the manner and procedure for the filing of all future complaints.
- The parties have met and conferred and have successfully agreed on a proper parties order, which will be entered.

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., <u>unless otherwise stated</u>:

October 19, 2020 (10:30 a.m. via Zoom)

November 2, 2020

December 14, 2020

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

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 or Judge Dickson via email at

Chambers_of_Magistrate_Judge_Joseph_Dickson@njd.uscourts.gov.

Date: September 14, 2020

/s/Brian R. Martinotti

BRIAN R. MARTINOTTI

UNITED STATES DISTRICT JUDGE

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