

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: ELMIRON (PENTOSAN POLYSULFATE SODIUM) PRODUCTS LIABILITY LITIGATION	:	Case No. 2:20-md-02973 (BRM)(ESK) MDL No. 2973
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THIS DOCUMENT RELATES TO: ALL CASES	:	JUDGE BRIAN R. MARTINOTTI JUDGE EDWARD S. KIEL
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MDL CASE MANAGEMENT ORDER NO. 21

The Court, having held an MDL Case Management Conference (“CMC”) on December 8, 2021, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of December 8, 2021, 695 cases alleging products liability claims relating to use of Elmiron have been filed and served (618 federal and 77 in state courts).

II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

Two Orders (“CMO”) have been entered on the MDL docket since the last CMC (November 10, 2021):

1. MDL Case Management Order No. 20. This case management order confirmed the issues discussed during the November 10, 2021 telephonic case management conference.
2. Letter Order of Judge Edward S. Kiel affirming the September Recommendation of Special Master Polifroni.

III. PROPOSED CASE MANAGEMENT ORDERS

A. Deposition Protocol. The parties shall continue to meet and confer and submit a proposal to the Court.

B. Dismissal of Teva Entities. The parties shall continue to meet and confer on an order dismissing certain Teva entities.

IV. TEVA DISCOVERY

The parties shall continue to meet and confer regarding Teva discovery and submit any issues to Judge Polifroni.

V. JANSSEN DISCOVERY

The parties shall continue to meet and confer regarding Janssen discovery and submit any issues to Judge Polifroni. The parties shall continue working closely with the state court plaintiffs to coordinate corporate representative and fact witness depositions.

VI. SCIENCE DAY

The parties shall coordinate with each other and the Court to identify new dates for Science Day.

VII. BELLWETHERS

The parties shall include bellwethers as an agenda item and shall raise any discovery issues with Judge Polifroni.

VIII. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, January 12, 2022**. For the January 12, 2022 conference, Liaison Counsel, Lead Counsel for Plaintiffs, and Lead Counsel for Defendants shall appear via Zoom at 11:00 a.m. All other counsel shall appear via dial-in (to be circulated) at 12:00 p.m., unless otherwise provided by the Court. Counsel shall

email their intention to attend the conference to Mr. Zogby, at michael.zogby@faegredrinker.com, by January 7, 2022. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: December 22, 2021

A handwritten signature in black ink, appearing to read "Brian Martinotti", written in a cursive style.

The Hon. Brian Martinotti, U.S.D.J.