

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

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<b>IN RE: ELMIRON (PENTOSAN POLYSULFATE SODIUM) PRODUCTS LIABILITY LITIGATION</b>	:	<b>Case No. 2:20-md-02973 (BRM)(ESK) MDL No. 2973</b>
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<b>THIS DOCUMENT RELATES TO: ALL CASES</b>	:	<b>JUDGE BRIAN R. MARTINOTTI JUDGE EDWARD S. KIEL</b>
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**MDL CASE MANAGEMENT ORDER NO. 23**

The Court, having held an MDL Case Management Conference (“CMC”) on January 12, 2022, and for good cause shown, enters the following Order:

**I. STATUS OF LITIGATION AND COORDINATION**

As of January 12, 2022, 724 cases alleging products liability claims relating to use of Elmiron have been filed and served (640 federal and 84 in state courts).

**II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE**

One Order (“CMO”) has been entered on the MDL docket since the last CMC (December 8, 2021):

1. MDL Case Management Order No. 21. This case management order confirmed the issues discussed during the December 8, 2021 telephonic case management conference.

**III. PROPOSED CASE MANAGEMENT ORDERS**

- A. Deposition Protocol. The parties submitted their agreed-upon deposition protocol to the Court after the CMC for its consideration and it was entered on

January 14, 2022 as CMO 22.

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

C. Bellwether Prescriber and Treater CMO. The parties shall continue to meet and confer on a bellwether prescriber and treater case management order, and shall submit any issues to Judge Polifroni or an agreed-upon proposal to Judge Martinotti.

#### **IV. BELLWETHERS.**

The parties have identified 20 bellwethers, and plaintiff depositions are taking place. The parties shall continue to meet and confer regarding bellwether discovery, including the scheduling of non-party doctor depositions, and shall submit any issues to Judge Polifroni.

#### **V. TEVA DISCOVERY**

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

#### **VI. JANSSEN DISCOVERY**

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

#### **VII. SCIENCE DAY**

Science Day is scheduled for **March 25, 2022 at 9:00 am**. The parties should be prepared for Science Day to take place in person with an option for remote participation for select attendees, but court policies shall be assessed as the date approaches.

#### **VIII. FUTURE CASE MANAGEMENT CONFERENCE DATES**

The next case management conference is scheduled for **Wednesday, February 9, 2022**.

For the February 9, 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 February 4, 2022. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: January 27, 2022



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