

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

**IN RE: ELMIRON (PENTOSAN
POLYSULFATE SODIUM) PRODUCTS
LIABILITY LITIGATION**

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: **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**

MDL CASE MANAGEMENT ORDER NO. 27

The Court, having held an MDL Case Management Conference (“CMC”) on March 9, 2022, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of March 9, 2022, 803 cases alleging products liability claims relating to use of Elmiron have been filed and served (712 federal and 91 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 (February 9, 2022):

1. MDL Case Management Order No. 25. This case management order confirmed the issues discussed during the February 9, 2022 telephonic case management conference.
2. MDL Case Management Order No. 26. This case management order governs completion and submission of case and claim data forms.

III. PROPOSED CASE MANAGEMENT ORDERS

- A. Dismissal of Teva Entities. The parties shall continue to meet and confer on an order dismissing certain Teva entities.
- B. Bellwether Trial Selection Process. The parties shall continue to meet and confer, and aim to submit a proposal to the Court for its consideration in short order.

IV. BELLWETHERS

All bellwether plaintiff and spouse depositions have been completed. The parties shall continue to work toward completing prescriber and treater depositions by the March 31, 2022 deadline.

V. TEVA DISCOVERY

Counsel for Janssen will be entering appearances for the Teva Defendants. The parties shall continue to meet and confer regarding any disputes and shall submit any issues to Judge Polifroni.

VI. JANSSEN DISCOVERY

The parties will continue to meet and confer regarding any disputes and shall submit any issues to Judge Polifroni.

VII. SCIENCE DAY

Science Day is being rescheduled, and the parties shall meet and confer on logistics and a new schedule.

VIII. NEW JERSEY MULTICOUNTY LITIGATION

Judge Rachelle L. Harz will oversee the New Jersey Multicounty Litigation (“MCL”). Defendants shall meet and confer with New Jersey Plaintiffs’ counsel on the submission and entry of orders being used in the MDL for adoption by Judge Harz in the New Jersey MCL.

IX. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, April 13, 2022**. For the April 13, 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 April 8, 2022. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: March 21, 2022



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