

**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**
:
:
:
:
:
:
:
:
:

**THIS DOCUMENT RELATES TO:
ALL CASES**

**JUDGE BRIAN R. MARTINOTTI
JUDGE EDWARD S. KIEL**

MDL CASE MANAGEMENT ORDER NO. 29

The Court, having held an MDL Case Management Conference (“CMC”) on June 8, 2022, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of June 8, 2022, 1,041 cases alleging products liability claims relating to use of Elmiron have been filed and served (915 federal and 126 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 (May 11, 2022):

1. MDL Case Management Order No. 28. This case management order confirmed the issues discussed during the May 11, 2022 telephonic case management conference.

III. PROPOSED CASE MANAGEMENT ORDERS

- A. Bellwether Deadlines. The parties shall continue to meet and confer regarding proposed amendments to CMO No. 17, governing the bellwether

deadlines, in order to set a series of expert and pre-trial deadlines for *Manning* and the to-be-selected new defense pick case.

IV. BELLWETHERS

The *Windham* case shall serve as the presumptive first bellwether trial. *Manning* and the new defense pick, to be selected on June 10, 2022, shall proceed on the same schedule and serve as the next bellwether trials. The parties shall continue to move forward with discovery, including expert and sales-related depositions in all cases.

V. TEVA DISCOVERY

The parties shall continue to work together regarding discovery and document issues. The parties shall meet and confer regarding any disputes, and shall submit any issues to Judge Polifroni.

VI. JANSSEN DISCOVERY

The parties shall continue to work together regarding document productions and the scheduling of the remaining company witness depositions. The parties shall meet and confer regarding any disputes, and shall submit any issues to Judge Polifroni.

VII. SCIENCE DAY

The parties' respective Science Day recordings have been submitted to the Court, and the parties shall meet and confer relating to a date for viewing of the presentations.

VIII. PENNSYLVANIA & NEW JERSEY

The parties shall continue to coordinate discovery and deadlines between the state court cases and the MDL, and shall report regarding status at the next case management conference.

IX. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, July 13, 2022**. For

the July 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 July 8, 2022. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Dated: June 29, 2022

/s/Brian R. Martinotti

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