

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**IN RE: ALLERGAN BIOCELL TEXTURED** :  
**BREAST IMPLANT PRODUCTS LIABILITY** : **Case No. 2:19-md-02921 (BRM)(JAD)**  
**LITIGATION** : **MDL NO. 2921**  
: **JUDGE BRIAN R. MARTINOTTI**  
: **JUDGE JOSEPH A. DICKSON**

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**THIS DOCUMENT RELATES TO: ALL CASES**

**CASE MANAGEMENT ORDER #2**

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 and having scheduled this initial case management conference, the Court having held a case management conference on January 13, 2020, with the Honorable Joseph A. Dickson, U.S.M.J., also presiding, for good cause shown and for the reasons set forth on the record, the Court enters the following Order:

**I. PENDING MOTIONS**

Counsel shall meet and confer to discuss the status of the plaintiffs' pending motion (ECF No. 5) and provide a status update to the Court via email by January 23, 2020. Briefing on the motion is stayed in the interim.

**II. CASE MANAGEMENT**

A. Plaintiffs' counsel shall meet and confer and submit to the Court via email by January 17, 2020, a proposed leadership structure.

B. Counsel shall meet and confer regarding but not limited to the follow the issues:  
ESI orders and protective orders, preservation order, fact sheets, short form  
complaint and answer, filing of anonymous pleadings, census/early vetting  
procedures and science day.

### **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.

February 10, 2020

March 16, 2020

April 20, 2020

May 18, 2020

June 1, 2020

July 13, 2020

August 10, 2020

September 14, 2020

October 19, 2020

November 2, 2020

December 14, 2020

### **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](mailto:brian_martinotti@njd.uscourts.gov) or Judge Dickson via email at [Chambers\\_of\\_Magistrate\\_Judge\\_Joseph\\_Dickson@njd.uscourts.gov](mailto:Chambers_of_Magistrate_Judge_Joseph_Dickson@njd.uscourts.gov).

Date: January 13, 2020

*/s/Brian R. Martinotti*  
**BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**