

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

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

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**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**

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**CASE MANAGEMENT ORDER NO.  
13  
(Science Day)**

The parties will work with the Court to hold “Science Day” on September 30, 2021. The purpose of “Science Day” is to provide the Court with an overview of certain medical and scientific issues associated with the medicine Elmiron® and the injuries being alleged by the plaintiffs.<sup>1</sup> Given the early stage of the litigation and discovery, and to avoid duplication in presentation, the parties have agreed to the following ground rules to educate the Court on the basic scientific and medical issues in a non-adversarial manner and generally govern Science Day:

1. The parties have agreed that the topics to be discussed at Science Day may include: a background on interstitial cystitis, including diagnosis and treatment options, such as Elmiron; a background on the approved indication for Elmiron; other diseases and conditions for which Elmiron was used; efficacy and dosing of Elmiron; the pharmacology of Elmiron and its mechanism of action in treating interstitial cystitis; the injuries alleged in this litigation, including a background on the diagnostic tools and methods used to diagnose those injuries and the symptoms associated with those

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<sup>1</sup> In an effort to foster coordination, the Court will invite the relevant judge or judges from the Pennsylvania Court of Common Pleas, Philadelphia, to attend Science Day.

injuries; medical literature and regulatory history of Elmiron; and other matters the parties elect to present relative to the science behind Elmiron.

2. The Science Day presentations will be transcribed by a court reporter to be supplied by the Parties for the Court's use only, with costs to be split by the Parties. The Science Day presentations will not be recorded by any other means. The transcript is to be treated as strictly confidential. Neither the transcript nor the presentations shall be discoverable, admissible, used in any fashion for impeachment purposes or for collateral attack on any presenter, or for any purpose in the litigation other than for the Court's benefit to gather informal knowledge at Science Day.
3. The presentations may be made by the Parties' attorneys and/or experts or a combination of both. The presenters will not be questioned by each other or opposing counsel. The Court will have the opportunity to ask questions of the presenters as the Court deems appropriate. Nothing in this paragraph should be read to mean that the Parties are required to present with an expert during Science Day.
4. The format will be lecture-style presentations that may incorporate the use of PowerPoint presentations or other demonstrative aids. The Parties' attorneys will be allowed to lead the experts through a modified direct examination format to focus the presentation.
5. The total length of time that will be allotted to Science Day shall be approximately four hours, not including the time for any questions the Court has after the Parties' presentations, and shall proceed as follows:
  - a. Plaintiffs' presentation on all topics – 2 hours.
  - b. Questions from the Court to Plaintiffs' presenter(s).

- c. Defendants' presentation on all topics – 2 hours.
  - d. Questions from the Court to Defendants' presenter(s).
6. Science Day will be conducted in person, but attendance will be limited to only a select number of individuals from both sides, the particulars of which will be worked out with the Court and consistent with the appropriate orders, directives, and guidelines issued by the District of New Jersey, the State of New Jersey, and the County of Essex. In addition, the parties will work with the Court to identify a platform that allows for remote access to Science Day for all other interested counsel. The parties will ensure that any remote access platform has a mechanism that prevents any recording from being done. The parties will endeavor to post the details regarding in-person attendance and the virtual viewing protocol on the MDL website (<https://www.njd.uscourts.gov/elmiron-pentosan-polysulfate-sodium-products-liability-litigation>) ten (10) business days prior to Science Day.
7. The recording of Science Day via the remote platform and/or the taking or reproducing of any image from Science Day via the remote platform is **strictly prohibited** and is a violation of this Court Order. Anyone who records and/or takes or reproduces an image from Science Day or is suspected of doing so will be subject to investigation and may face appropriate penalties, including being held in contempt of Court or sanctions, for violation of this Court Order or any other duties imposed by law.

IT IS SO ORDERED, this 16th day of JULY, 2021

A handwritten signature in black ink, appearing to read "Brian Martinotti", written over a horizontal line.

HON. BRIAN R. MARTINOTTI, U.S.D.J.