

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

IN RE: ELMIRON (PENTOSAN	:	Case No. 2:20-md-02973 (BRM)(ESK)
POLYSULFATE SODIUM) PRODUCTS	:	MDL No. 2973
LIABILITY LITIGATION	:	

THIS DOCUMENT RELATES TO:	:	JUDGE BRIAN R. MARTINOTTI
ALL CASES	:	JUDGE EDWARD S. KIEL

MDL CASE MANAGEMENT ORDER NO. 20

The Court, having held an MDL Case Management Conference (“CMC”) on November 10, 2021, and for good cause shown, enters the following Order:

I. STATUS OF LITIGATION AND COORDINATION

As of November 10, 2021, 674 cases alleging products liability claims relating to use of Elmiron have been filed and served (597 federal and 77 in state courts).

II. ORDERS ENTERED SINCE LAST CASE MANAGEMENT CONFERENCE

Three Case Management Orders (“CMO”) have been entered on the MDL docket since the last CMC (October 6, 2021):

1. MDL Case Management Order No. 17. This case management order governs the bellwether discovery and trial process.
2. MDL Case Management Order No. 18. This case management order confirmed the issues discussed during the October 6, 2021 telephonic case management conference.

3. MDL Case Management Order No. 19. This case management order appointed Judge Falk as Special Master to review issues relating to the common benefit fee and expense fund.

III. PROPOSED CASE MANAGEMENT ORDERS

- A. Deposition Order. The parties shall continue to meet and confer on this proposed case management order and shall raise any issues with Judge Polifroni.
- B. Dismissal of Teva Entities. The parties shall continue to meet and confer on an order dismissing certain Teva entities.

IV. TEVA DISCOVERY

The parties submitted letters to Judge Kiel summarizing the remaining, unresolved discovery issues on Friday, November 12. The parties shall continue to meet and confer regarding Teva discovery items, deposition issues, and document productions, and submit any issues to Judge Polifroni.

V. JANSSEN DISCOVERY

The parties shall continue to meet and confer regarding Janssen discovery items, deposition issues, and document productions, and submit any issues to Judge Polifroni. The parties shall continue working closely with the state court plaintiffs to coordinate corporate representative and fact witness depositions.

VI. SCIENCE DAY

The parties shall coordinate with each other and the Court to identify new dates for Science Day.

VII. PSC REAPPLICATION

PSC reapplications shall be submitted to Judge Falk for review and consideration. The

PSC also shall submit a summary letter to Judge Martinotti identifying those who seek reapplication and those who do not. Plaintiffs shall be mindful of diversity and inclusiveness considerations, and shall propose a schedule for the reapplication process to the Court.

VIII. FUTURE CASE MANAGEMENT CONFERENCE DATES

The next case management conference is scheduled for **Wednesday, December 8, 2021**. For the December 8, 2021 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 December 3, 2021. Mr. Zogby and Ms. Anello shall meet and confer regarding submission of the proposed agenda and logistics for the conference.

Case management conferences in 2022 will be scheduled for the second Wednesday of each month, starting with January 12, 2022.

The 2022 case management conferences are scheduled for the following dates:

- January 12, 2022
- February 9, 2022
- March 9, 2022
- April 13, 2022
- May 11, 2022
- June 8, 2022
- July 13, 2022
- August 10, 2022
- September 14, 2022

- October 12, 2022
- November 9, 2022
- December 14, 2022

December 1,
Dated: ~~November~~ _____, 2021

/s/Brian R. Martinotti

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