

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

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**IN RE: ELMIRON (PENTOSAN  
POLYSULFATE SODIUM) PRODUCTS  
LIABILITY LITIGATION** : **Case No. 2:20-md-02973 (BRM)(ESK)**  
: **MDL No. 2973**  
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**THIS DOCUMENT RELATES TO:** : **JUDGE BRIAN R. MARTINOTTI**  
**ALL CASES** : **JUDGE EDWARD S. KIEL**  
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**CASE MANAGEMENT ORDER NO. 26**  
**(Case & Claim Data Form)**

**I. SCOPE OF ORDER**

This Order shall apply to any and all filed plaintiffs and unfiled claimants represented by any attorney of record in: (a) all actions transferred to *In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation* (“MDL 2973”) by the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to its Order on December 15, 2020; (b) all related actions originally filed in or removed to this Court; (c) any “tag-along” actions transferred to this Court (collectively, “the Proceedings”); and (d) all other actions over which this Court has jurisdiction to compel the within. In addition, this Order is binding on all Parties and their counsel in all cases currently pending or subsequently made part of these Proceedings and shall govern each such case and claim in the Proceedings.

The obligation to comply with this CMO and to complete and submit a Case & Claim Data Form or to take any action authorized or otherwise demanded in this Order shall be the sole obligation of the individual attorney representing their respective individual plaintiff and/or claimant.

## II. CASE & CLAIM DATA FORM

A. The Case & Claim Data Form (“CCDF”) that shall be used by each attorney, counsel, and/or law firm representing any plaintiff or claimant (as identified in Section I above) (hereinafter, “Plaintiffs’ Counsel”) shall be a secure web-form<sup>1</sup> with the required substantive fields set forth and identified in the attached **Exhibit A**. In accordance with the schedule set forth in Section III below, Plaintiffs’ Counsel shall:

1. Complete and submit the CCDF for each Plaintiff which Plaintiffs’ Counsel currently represents, and which has filed any case or action alleging an injury related to Elmiron as of the date of entry of this CMO (regardless of whether or not such case has been served on Defendants);
2. Complete and submit the CCDF for any other individual which Plaintiffs’ Counsel currently represents, and which alleges injury(ies) related to Elmiron (regardless of whether or not such individual has filed a case or not) (hereinafter, a “Claimant”); and
3. Complete and submit the CCDF for each Claimant or Plaintiff which Plaintiffs’ Counsel is retained to represent anytime in the future, or which is otherwise in Plaintiffs’ Counsel’s inventory of potential future Plaintiffs or Claimants alleging an Elmiron-related injury (hereinafter, a “Future Claimant”); and for each Future Claimant, Plaintiffs’ Counsel should endeavor to complete and submit a CCDF within sixty (60) days of being retained by such Future Claimant. Plaintiffs’ Counsel shall also be obligated to supplement any previously submitted CCDF within thirty (30) days of learning of any new and/or different information and/or responses that would make such prior CCDF submission inaccurate and/or otherwise changed.

B. The CCDF shall be completed without objections as to the questions posed in the CCDF. Of note, the CCDF is a one page document.

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<sup>1</sup> Plaintiffs’ Counsel that are unable to complete and submit the online form may submit a completed hard copy of the Exhibit A to the appointed resolution counsel for the Parties, so long as said Plaintiffs’ Counsel advises the Parties’ Resolution Liaison Counsel of such inability to submit the online form and intent to submit a hard copy in writing, and in advance of doing so.

### III. DEADLINE FOR SERVICE OF CCDFs

#### A. Plaintiffs' Counsel With Up to 50 Filed Cases and/or Unfiled Claims

1. For all Plaintiffs' Counsel that currently represent up to, but not exceeding, fifty (50) Plaintiffs or Claimants, the CCDF for each such Plaintiff and/or Claimant shall be completed and submitted no later than thirty (30) days after the entry of this CMO.

#### B. Plaintiffs' Counsel With Over 50 Filed Cases and/or Unfiled Claims

1. For all Plaintiffs' Counsel that currently represent over fifty (50) Plaintiffs or Claimants, the CCDF for each such Plaintiff and/or Claimant shall be completed and submitted no later than thirty (30) days after the entry of this CMO, except such Plaintiffs' Counsel may request an additional period of time up to thirty (30) additional days (60 days, in total), which request shall first be considered by the Parties' Resolution Liaison Counsel, and then submitted to the Honorable Judge Robert L. Polifroni for approval (as set forth in detail in Section IV below).
2. Additional extensions of time shall not be unreasonably opposed, but the Court is cognizant that the CCDF is a one page form that contains very basic information.

C. Service of CCDF: Each CCDF shall be completed and submitted via a secure web form submission system ("CaseManagerPro") designed, hosted, and provided by LucidIQ.

#### 1. Manner of Completion and Service of CCDF

Plaintiffs' Counsel shall use the secure CaseManagerPro System designed and provided by LucidIQ and accessible at <https://casemanagerpro.formstack.com/forms/elmironclaims> to complete and submit CCDFs, as follows:

- (a) Each Plaintiffs' Counsel required to submit a CCDF shall request access to the CaseManagerPro System<sup>2</sup> to obtain individually authorized secure links and login information. Upon request, Plaintiffs' Counsel may receive searchable reports of all information submitted by that Plaintiffs' Counsel. However, except as set forth herein, Plaintiffs' Counsel shall not be permitted to view, search, or access any information or materials submitted by any other Plaintiffs' Counsel or

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<sup>2</sup> Access to the CaseManagerPro System for CCDF submission shall be requested by email to [ElmironClaims@casemanagerpro.com](mailto:ElmironClaims@casemanagerpro.com).

related to any other Plaintiff or Claimant (which said Plaintiffs' Counsel does not represent).

- (b) Only the Court, Plaintiffs' Resolution Liaison Counsel<sup>3</sup>, and Defense Resolution Liaison Counsel<sup>4</sup> shall have access to and be able to view, search and download materials submitted by all Plaintiffs' Counsel. The CCDF submissions cannot be used for any purpose in litigation in this MDL, or any other litigation, nor can the CCDF submissions be shared with Plaintiffs' or litigation counsel (other than with the Plaintiffs' Counsel submitting the CCDFs on behalf of each of their representative Plaintiffs and/or Claimants).
- (c) Each Plaintiffs' Counsel shall use the CaseManagerPro System to complete, submit, and/or update the appropriate CCDF online.
- (d) Service of a completed CCDF shall be deemed to occur when the submitting party has performed each of the steps required by the CaseManagerPro System to execute the online submission of the materials, and the submitting party has received confirmation on screen that the materials have been successfully submitted.
- (e) If a Plaintiff or Claimant (through their respective Plaintiffs' Counsel) must amend a previously submitted CCDF, all subsequent versions and/or updates must be identified as an "Update" rather than a "New Submission"—prior CCDF information submitted will remain available and accessible.

#### **IV. PROCEDURES FOR UN-SUBMITTED AND/OR NON-COMPLIANT CCDFs**

Plaintiffs' Counsel shall make a good faith effort to complete and submit the CCDFs and to supplement the same as required by the applicable deadlines set forth in this Order. The Parties recognize that, despite good faith efforts, certain deficiencies in the CCDF submission responses (including, but not limited to, the failure to submit a CCDF) may require Court intervention. Plaintiffs' and/or Defense Resolution Liaison Counsel shall raise any issues and/or disputes

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<sup>3</sup> The Court-appointed Plaintiffs' Resolution Liaison Counsel is Christopher A. Seeger of SeegerWeiss LLP.

<sup>4</sup> The Court-appointed Defense Resolution Liaison Counsel is James F. Murdica of Barnes & Thornburg LLP.

pertaining to this Court-imposed CCDF process with the Court as necessary at the regularly scheduled monthly case management conferences.

Dated: March 7, 2022

A handwritten signature in black ink, appearing to read "Brian Martinotti", written in a cursive style.

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

**ELMIRON® CASE & CLAIM DATA FORM**

**I. CLAIMANT INFO**

Injured Person's Name: \_\_\_\_\_ Date of Death (if any): \_\_\_\_\_  
Injured Person's DOB: \_\_\_\_\_ Estate Rep.'s Name: \_\_\_\_\_  
Injured Person's SSN: \_\_\_\_\_ Estate Rep.'s DOB: \_\_\_\_\_  
Injured Person's State of Residence: \_\_\_\_\_ Estate Rep.'s SSN: \_\_\_\_\_  
Case Filed? Yes  No  Estate Rep.'s State of Residence: \_\_\_\_\_  
Jurisdiction of Case Filing: \_\_\_\_\_ Case No. \_\_\_\_\_

**II. USE INFO**

A. Date of first ELMIRON® Use: \_\_\_\_\_  
B. Date of last ELMIRON® Use: \_\_\_\_\_  
D. Is Claimant still using ELMIRON®? Yes  No

**III. MEDICAL DIAGNOSIS**

A. Pigmentary Maculopathy Dx: Yes  No  Date of Dx: \_\_\_\_\_  
B. Elmiron/PPS Maculopathy Dx: Yes  No  Date of Dx: \_\_\_\_\_  
C. Did Claimant ever (prior to maculopathy dx) use any of the following medications for more than 6 mos.: Chloroquine/Hydroxychloroquine, Clofazimine, Phenothiazine, Deferoxamine. Yes  No

**D. OTHER / PRIOR DIAGNOSES:**

- Hereditary Pigmentary Maculopathy: Yes  No
- Secondary Pigmentary Maculopathy: Yes  No
- Dry Age-related Macular Degeneration: Yes  No
- Wet Age-related Macular Degeneration: Yes  No
- Toxic Maculopathy: Yes  No
- Hereditary Dystrophy: Yes  No
- Pattern Dystrophy: Yes  No
- Unspecified Macular Degeneration: Yes  No
- Any other type of Maculopathy: Yes  No
- Retinal Damage: Yes  No

If Claimant was not diagnosed with one of the above conditions, please identify the condition alleged to have been caused by ELMIRON®: \_\_\_\_\_

**IV. IMAGING**

Has Claimant undergone any of the following Imaging Tests?

- Fundus Autofluorescence Imaging? Yes  No  Year of Test: \_\_\_\_\_; Dx: \_\_\_\_\_
- Near Infrared Reflectance? Yes  No  Year of Test: \_\_\_\_\_; Dx: \_\_\_\_\_
- Optical Coherence Tomography (OCT)? Yes  No  Year of Test: \_\_\_\_\_; Dx: \_\_\_\_\_
- Color Fundus Photography? Yes  No  Year of Test: \_\_\_\_\_; Dx: \_\_\_\_\_