

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

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<b>IN RE: ELMIRON (PENTOSAN</b>	<b>:</b>	<b>Case No. 2:20-md-02973 (BRM)(ESK)</b>
<b>POLYSULFATE SODIUM) PRODUCTS</b>	<b>:</b>	<b>MDL No. 2973</b>
<b>LIABILITY LITIGATION</b>	<b>:</b>	
	<b>:</b>	
<b>THIS DOCUMENT RELATES TO:</b>	<b>:</b>	<b>JUDGE BRIAN R. MARTINOTTI</b>
<b>ALL CASES</b>	<b>:</b>	<b>JUDGE EDWARD S. KIEL</b>

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**MDL CASE MANAGEMENT ORDER NO. 31**

This Court, having held an MDL Case Management Conference (“CMC”) on October 12, 2022, and for good cause shown, enters the following Order:

**I. STATUS OF LITIGATION AND COORDINATION**

As of October 12, 2022, 1,926 cases alleging product liability claims relating to use of Elmiron have been filed and served (1,680 federal cases and 169 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 (July 13, 2022), and one CMO has been amended:

1. MDL Case Management Order No. 30. This case management order confirmed the issues discussed during the July 13, 2022 telephonic case management conference.

One Order (“CMO”) has been amended on the MDL docket since the last CMC (July 13, 2022):

2. Second Amended Case Management Order No. 17. This case management order amended the pretrial schedule for the *Windham* bellwether matter, and set the trial date for January 30, 2023.

### **III. PROPOSED CASE MANAGEMENT ORDERS**

A. Bellwether Deadlines. The parties shall continue to meet-and-confer regarding the schedule for the second and third bellwether trials.

B. 2023 Case Management Schedule. The parties shall meet-and-confer regarding the schedule for case management conferences in 2023, which shall continue to be held on the second Wednesday of each month.

### **IV. BELLWETHERS**

Expert discovery has now concluded in the *Windham* case, and Rule 702 motions briefing commenced on September 27, 2022.

### **V. DISCOVERY**

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

### **VI. FUTURE CASE MANAGEMENT CONFERENCE DATES**

The next case management conference is scheduled for Wednesday, November 9, 2022. For the November 9, 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@btlaw.com](mailto:michael.zogby@btlaw.com), by November 4, 2022. Mr. Zogby and Ms. Anello shall meet-and-confer regarding submission of the proposed agenda and logistics for the conference.

Dated: November 1, 2022



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