

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Kimberly A. Jolson

This document relates to:
ALL CASES.

PRETRIAL ORDER NO. 9

June 25, 2019 Status Conference

On June 25, 2019, the Court held an in-person status conference with counsel for the Plaintiffs' Steering Committee (the "PSC") and counsel for Defendants. This Pretrial Order memorializes the conference as follows:

Case Filings Update: The parties provided the Court with an update regarding filings. The PSC indicated there are currently 2,715 cases filed.

Case Management Order ("CMO") on Treating Physician Depositions: The Court **DENIED without prejudice** Defendants' Proposed CMO on Treating Physician Depositions.

Defendants' Proposed CMO 7-A on Highly Confidential Documents: The PSC indicated it does not object to Defendants' Proposed CMO 7-A. The Court will approve the proposed CMO.

Defendants' Proposed CMO 7-B on Protected Health Information: The PSC indicated it takes no position regarding Defendants' Proposed CMO 7-B. The Court will approve the proposed CMO.

Defendants' Motion to Compel Delinquent Plaintiff Profile Forms: The Court asked the parties for a status update regarding Defendants' Motion to Compel. The PSC indicated that

Plaintiff's counsel cannot locate the client, but would be willing to stipulate to a dismissal without prejudice. Defense counsel stated they would stipulate to a dismissal with prejudice. The time for filing a Response in Opposition has not yet passed. Accordingly, the Court will revisit Defendants' Motion at the next CMC.

Pleadings Update: The parties provided the Court with an update regarding pleadings. Defense counsel stated that most Amended Complaints have been filed timely. The parties are **DIRECTED** to continue to meet and confer regarding any delays or issues in pleadings.

Discovery Update: The parties provided the Court with an update regarding a number of discovery issues, including: Defendants' production of custodial files, deposition scheduling, third party discovery, privilege logs for this case and MDL 1842, written discovery, Plaintiff Profile Forms, and bellwether discovery. With respect to the PSC's concerns regarding Defendants' privilege logs, they are **DIRECTED** to include that issue on the agenda for the next CMC and to provide the Court with an update before the next CMC. To the extent the parties raised disagreements over Defendants' production of custodial files, Plaintiff Profile Forms, and bellwether discovery, the parties are **DIRECTED** to meet and confer on these issues.

Defendants' Request to Discuss IME Deadlines: The parties are **DIRECTED** to meet and confer regarding the IME Deadlines.

Plaintiffs' Proposed CMO 3-A: The Court will approve the proposed CMO 3-A.

Motion to Substitute Plaintiff: Defendants indicated that they are considering filing a response to Plaintiff's Motion to Substitute in *Luks v. Davol Incorporated, et al.*, 2:19-cv-00103-EAS-KAJ. The Court will wait until the response deadline has run before ruling on the Motion.

Motions to Withdraw as Counsel: At the Court's request, the PSC agreed to work with individual Plaintiff's attorneys to ensure that deficient Motions to Withdraw are refiled in compliance with the Court's Local Rules.

Pro Se Plaintiff Profile Forms and Amended Complaints: With the agreement of the parties, the Court indicated that it intended to direct pro se Plaintiffs to complete Plaintiff Profile Forms.

Scheduling: The next status conference is scheduled for July 30, 2019 at 10:00 A.M.

IT IS SO ORDERED.

6-27-2019
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE

6/27/2019
DATE



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE