

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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

Case No. 2:18-md-2846

CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
ALL ACTIONS.

CASE MANAGEMENT ORDER NO. 18

Regarding Amending Pleadings for Bellwether Pool Cases

This Court hereby issues the following Case Management Order to govern the procedure and schedule for the amendment of pleadings in cases selected as Bellwether Pool Cases.

I. Scope of this Order

This Order applies to all Plaintiffs, Defendants and their counsel in all actions selected as Bellwether Pool Cases pursuant to CMO 10 and CMO 15.

II. Filing Amended Complaints

In accordance with CMO 9 Section II(E), Plaintiffs in any action selected as a Bellwether Pool Case shall have seven days from the issuance of this Order to file an amended Complaint, if they desire to do so. Any amended Complaint shall be provided to counsel of record for Defendants via email, with a copy to: FederalBardService@reedsmith.com contemporaneously with filing. If a Plaintiff elects not to file an amended Complaint, and is a Plaintiff who previously filed a Short Form Complaint adopting by reference the Master Complaint, Plaintiff shall notify counsel of record for Defendants via email, with a copy to: FederalBardService@reedsmith.com, listing the claims from the Master Complaint that they are claiming and shall identify the state law

Plaintiff contends shall apply to Plaintiff's Bellwether Case (Plaintiff may identify more than one state law Plaintiff contends may apply).

III. Filing Amended Answers and Notices of Defenses

In accordance with CMO 9 Section II (E), Defendants shall file a more robust and detailed amended Answer and Notice of Defenses, which shall include all Affirmative Defenses, within 10 days after an amended Complaint has been filed pursuant to Section II, above. If Plaintiff has elected to not file an amended Complaint, but identified the claims and the applicable state(s) law by email instead then Defendants are only required to file a Notice of Defenses, within 10 days of such notification.

IV. Further Amendments

Any further amendments to Complaints or Answers will require agreement of the Parties or motion and leave of the Court.

IT IS SO ORDERED.

6-7-2019
DATE

6/7/2019

DATE


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


KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE