

UNITED STATES DISTRICT COURT
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 ACTIONS.

CASE MANAGEMENT ORDER NO. 6

Prior Generic Discovery Conducted in *In re: Kugel Mesh Hernia Patch Products Liability Litigation*, MDL 1842 (D.R.I.)

This matter comes before the Court as Defendants C. R. Bard, Inc. and Davol Inc. (collectively “Bard”) and the Plaintiffs’ Steering Committee have reached an agreement related to the generic discovery conducted in *In re: Kugel Mesh Hernia Patch Products Liability Litigation*, MDL 1842 (D.R.I.). This Order memorializes such agreement:

Generic discovery has been conducted in past litigations, including the discovery conducted in *In re: Kugel Mesh Hernia Patch Products Liability Litigation*, MDL Case No. 1:07-md-01842, MDL 1842 (D.R.I.) (“MDL 1842”). While the MDL 1842 litigation focused on the Composix Kugel Hernia Patch, some cases involved other Bard hernia products such as the Composix E/X Mesh, Ventralex Hernia Patch, Composix Mesh, Kugel Hernia Patch, CK Parastomal Patch and Modified Kugel Patch. See MDL 1842 Order dated January 24, 2008 (MDL 1842 ECF No. 248). Discovery was done as part of that MDL with a primary focus on the Composix Kugel products. The discovery conducted as part of MDL 1842 may be used in this proceeding as if it had been conducted in this MDL. Nothing about the previously conducted

discovery shall preclude Plaintiffs from seeking additional or new discovery in this MDL nor shall Defendants be limited in any way in opposing or seeking limits on any newly served discovery based on the previous discovery done, based on the Federal Rules of Civil Procedure. The parties shall work in good faith on all discovery issues. MDL 1842 was terminated by the Judicial Panel on Multidistrict Litigation (“JPML”) in September 2017 and that MDL is, therefore, no longer active.

Once a Confidentiality and Protective Order is entered in this MDL, Bard will make available a hard drive to Plaintiffs’ Steering Committee the generic discovery from MDL 1842 and the deposition transcripts of the company witnesses deposed in MDL 1842. The depositions Bard provides that were taken in MDL 1842 may be used in this MDL to the extent permitted by law.

Because MDL 1842 has been terminated, any orders (including common benefit orders) entered in MDL 1842, including Practice and Procedure Order Number 22 [ECF No. 2382], Order Amended Practice and Procedure Order Number 22 [ECF No. 3795], and Joint Motion and Order [ECF No. 5344], do not apply in this MDL No. 2846 or to any individual plaintiffs within this MDL No. 2846.

IT IS SO ORDERED.

10-25-2018
DATE



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

10/26/2018
DATE



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE