

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.**

ORDER


This matter is before the Court on Plaintiffs' Motion to Quash Defendants' Cross-Notice of Deposition of Defendant Employees Stephanie Baker, Amit Badhwar, and Lori Whitehead (Doc. 121). Plaintiffs in the Rhode Island state court MDL (the "Rhode Island Plaintiffs") previously scheduled depositions for Defendants' corporate representatives Stephanie Baker, Amit Badhwar, and Lori Whitehead on March 26–28, 2019. (*Id.* at 1). Defendants then cross-noticed those depositions in this case. (Doc. 121-1). Plaintiffs objected and filed the instant Motion. The Rhode Island Plaintiffs subsequently withdrew their notice of depositions for Defendants' corporate representatives, and Defendants withdrew their cross-notice. The Court therefore denied as moot Plaintiffs' Motion. (Doc. 124).

At the April 17, 2019 Status Conference, Defendants indicated that they intended to file cross-notices for the rescheduled depositions of their corporate representatives in the Rhode Island state court MDL set for May 2 and 3. (Doc. 143 at 2). Plaintiffs renewed their objection to the proposed cross-notices. (*Id.*). Defendants filed their cross-notices on April 22, 2019. (Docs. 151, 152). Plaintiffs' Motion is now ripe for review.

“District courts have broad discretion under the rules of civil procedure to manage the discovery process and control their dockets.” *Marie v. Am. Red Cross*, 771 F.3d 344, 366 (6th Cir. 2014). In its discretion, the Court will grant Plaintiffs’ Motion. The Plaintiffs’ Steering Committee (“PSC) has consistently represented that their approach to this litigation is significantly different than that of the Rhode Island Plaintiffs in the state court MDL. The Court believes that the PSC is entitled to conduct discovery consistent with its own legal theories of the case and its own view of the fact. Further, given the PSC’s distinct approach to this case, the Court finds that there would be little efficiency gained by allowing Defendants to cross-notice the depositions of their corporate representatives in the Rhode Island state court MDL. For the foregoing reasons, the Motion to Quash (Doc. 121) is **GRANTED**.

IT IS SO ORDERED.

Date: April 26, 2019



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



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE