

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 Defendants' Notice of Compliance with Pretrial Order No. 8 (Doc. 150). Defendants propose completing production of all 241 custodians identified in the ESI protocol by September 27, 2019. (*Id.* at 2). The Plaintiffs' Steering Committee ("PSC") argues that this approach "threatens to derail the pretrial schedule that was carefully negotiated by the Parties and ignores the firm trial date that was long ago ordered by this Court." (Doc. 157 at 1). The PSC proposes a schedule that "prioritizes custodial productions into waves to be completed by dates certain (every two weeks), with all custodians being completed by August 9, 2019." (*Id.* at 8).


The Court adopts the following deadlines:

- Defendants shall substantially complete the production of documents for the first 43 custodians prioritized by the PSC on or before July 30, 2019. Any supplemental production for the first 43 custodians prioritized by the PSC shall be completed on or before August 13, 2019.
- Defendants shall substantially complete the production of documents for all remaining custodians on or before August 29, 2019. Any supplemental production for the remaining custodians shall be complete on or before September 12, 2019.

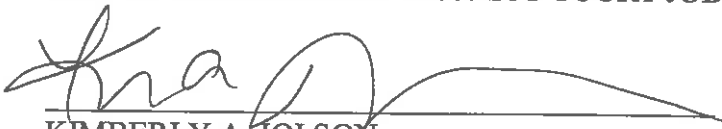
The Court's adherence to case deadlines is conditioned upon Defendants' good faith efforts to comply with them. Defendants shall continue their rolling production of documents and produce documents every two weeks consistent with their past practice. To the extent Defendants do not comply with these deadlines or do not otherwise act in good faith, the Court is inclined to consider, among other things, cost-sharing measures to alleviate the burden on the PSC and to ensure the case proceeds consistent with the deadlines set forth in CMO 10.

IT IS SO ORDERED.

Date: May 6, 2019

 5-10-2019

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



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE