

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

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

This document relates to:
ALL CASES

CASE MANAGEMENT ORDER NO. 54

Pursuant to agreement by the Plaintiff Steering Committee and Defendants C. R. Bard, Inc. and Davol, Inc., and to this Court's authority to manage its docket and ensure the just, speedy, and inexpensive resolution of cases in accordance with the Federal Rules of Civil Procedure, and

Whereas the Court has previously entered Case Management Order No. 53 (docket control) and Case Management Order No. 52 (stay), which remain in effect; and

Whereas the Court believes that in the interest of justice and in the interest of the parties, it is **ORDERED**:

1. In the event that Counsel for plaintiff(s) is unable to communicate with the plaintiff after employing all reasonable measures to contact the plaintiff in an effort to comply with Court orders and other requirements, plaintiff's counsel, acting to preserve the rights of plaintiff, may seek dismissal of the case under the terms of this order by the filing on the individual case docket of a joint Stipulation of Dismissal and Notice of Withdrawal of Counsel in conformity with [Exhibit A](#) hereto. Defendants shall be given reasonable notice of intent to file such a Stipulation and shall not unreasonably withhold their consent to its filing. Under this Case Management Order, if individual plaintiff's counsel exhausts all

reasonable efforts to locate additional contact information for a plaintiff in addition to utilizing all known contact information for plaintiff and known relatives, and has exhausted all attempts to reach that plaintiff including multiple phone calls, emails, and paper mailings; plaintiff's counsel shall not be required to undertake notice by publication or any further efforts to reengage the client.

2. A case dismissed under this Case Management Order shall also serve as an Order of plaintiff's counsel's withdrawal of representation of that plaintiff without further action of the Court and plaintiff's counsel shall have no further duties to that plaintiff.
3. As set forth in [Exhibit A](#), a dismissal pursuant to this Case Management Order is without prejudice at the time of its filing. Plaintiff may re-file this case in this MDL within one year of the date of the filing of the Stipulation. When re-filing, Plaintiff should indicate on the civil cover sheet that it is a reopened case and mark both the MDL and the respective individual case as related cases. Reopening the case relates back to the original filing for all purposes as to all claims asserted prior to the dismissal; Bard preserves its rights to any challenges to the timeliness of the initial filing of this case or amendments prior to the dismissal. If a case is not refiled in this MDL within one year of a dismissal without prejudice, at Defendants' request and without advance notice, the case may be dismissed with prejudice and judgment entered in favor of Defendants.
4. Upon re-filing in this MDL, the case will be subject to the requirements of Case Management Order No. 53, including any amendments thereto, and all other applicable

court orders and requirements. To the extent allowable by law, a plaintiff may not re-file the case in another court, given that the terms of a dismissal pursuant to this Case Management Order provide a benefit to the plaintiff compared to a dismissal pursuant to [Fed. R. Civ. P. 41\(a\)](#) or 41(b).

SO ORDERED this 7th day of October 2024.

sEdmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
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**IN RE: DAVOL INC./C. R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCT LIABILITY LITIGATION**

Case No. 2:18-md-2846

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

**This document relates to:
[Plaintiff]**

Civil Action No: [number]

STIPULATION OF DISMISSAL AND NOTICE OF WITHDRAWAL OF COUNSEL

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, and Defendants C. R. Bard, Inc. and Davol Inc. (collectively, “Defendants”), through counsel, that Plaintiff’s claims against Defendants shall be dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure and the terms herein. Based on a conflict between Plaintiff and his/her counsel and/or Plaintiff’s failure to remain in contact with Plaintiff’s counsel, Plaintiff’s counsel hereby withdraws from representation of Plaintiff in this case and in any related proceedings. Plaintiff’s counsel enters into this Stipulation to obtain a benefit for the Plaintiff by a dismissal pursuant to Case Management Order No. 54 compared to a dismissal pursuant to Fed. R. Civ. P. 41(a) or 41(b). Plaintiff may re-file this case only in this MDL proceeding and only within one year of the date of filing of this Stipulation, subject to any challenges to the timeliness of the initial filing of this case. Upon re-filing in this MDL, the case will be subject to the requirements of Case Management Order No. 53, including any amendments thereto, and all other applicable court orders and requirements. Should Plaintiff fail to re-file in this MDL proceeding within one year of the date of the filing of this Stipulation, at Defendants’ request and without advance notice, the case may be dismissed with prejudice, and judgment may be entered in Defendants’ favor, which shall be

enforceable against Plaintiff in any court as a final adjudication on the merits. Subject to Fed R. Civ. P. 41(d), each party shall bear their own fees and costs in connection with this case.

DATED: [date]

Respectfully submitted,

[Firm]

HOLLAND & KNIGHT LLP

By: /s/

By: /s/ Eric Alexander

Attorney for Plaintiff

Eric L. Alexander, Esq.
Holland & Knight LLP
800 17th St. N.W., Suite 100
Washington, DC 20006
Telephone: (202) 469-5639
Facsimile: (202) 955-5564
Eric.Alexander@hklaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of notice of electronic filing.

/s/ _____