

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
Magistrate Judge Kimberly A. Jolson

This document relates to:
ALL ACTIONS.

CASE MANAGEMENT ORDER 7-A

Protective Order for C.R. Bard, Inc. and Davol Inc.'s Production of
HIGHLY CONFIDENTIAL-PROTECTED INFORMATION

Plaintiffs and Defendants C. R. Bard, Inc. and Davol, Inc. before this Court in MDL 2846 hereby stipulate and agree, through their respective counsel of record as follows:

1. The Parties agree to amend Case Management Order No. 7 [ECF No. 48] to include language in the Protective Order related to the designation of a document, material or information marked as "HIGHLY CONFIDENTIAL-PROTECTED INFORMATION."
2. A supplying party may designate a document, material or information as "HIGHLY CONFIDENTIAL-PROTECTED INFORMATION" to the extent the supplying party believes in good faith that such document, material or information, if potentially disclosed to a competitor or the general public, could result in substantial business harm.

3. In designating discovery materials as “HIGHLY CONFIDENTIAL-PROTECTED INFORMATION,” the supplying party shall do so in good faith consistent with the provisions of Case Management Order No. 7 and rulings of the Court.

4. Any designation of “HIGHLY CONFIDENTIAL-PROTECTED INFORMATION” shall not be construed as an admission or an agreement by any party that any document, material or information, or any portion thereof, constitutes competent material, relevant, or admissible evidence in this case.

5. A party may not file in the public record in this action any “HIGHLY CONFIDENTIAL-PROTECTED INFORMATION” without written permission from the supplying party or a court order secured after appropriate notice to the parties. Documents, material or information designated as “HIGHLY CONFIDENTIAL-PROTECTED INFORMATION” shall not be used for any business or competitive purpose, and may only be used in the preparation for trial in this action, including use with consultants or at deposition consistent with Case Management Order No. 7, and any appeal in connection with this action.

6. The terms of this Protective Order do not preclude, limit, restrict, or otherwise apply to the use of Highly Confidential Information at trial. The use of Highly Confidential Information during trial will be addressed in a later agreement between the parties, or, if they cannot reach an agreement, by further order of the Court.

7. All counsel shall maintain all documents, material or information designated as “HIGHLY CONFIDENTIAL-PROTECTED INFORMATION” within its exclusive possession and control, except as provided in Case Management Order No. 7, and shall take reasonable steps to maintain such material in a secure manner.

8. Nothing in this amendment to Case Management Order No. 7 minimizes or expands the language of the original Protective Order except as outlined above in Paragraphs 1–7.

IT IS SO ORDERED.

6-27-2019
DATE

6/27/2019
DATE



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



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE