

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.

PRETRIAL ORDER NO. 7

March 6, 2019 Status Conference

On March 6, 2019, the Court held an in-person status conference with counsel for the Plaintiffs' Steering Committee (the "PSC") and counsel for Defendants. This Pretrial Order memorializes the conference as follows:

Case Filings Update: The parties provided the Court with an update regarding filings. The PSC predicts roughly 3,000 filings by the end of the calendar year. Defense counsel provided the Court with a brief status update of ongoing hernia mesh litigation in Rhode Island.

Case Management Order ("CMO") Regarding Plaintiff Fact Sheets: The Court conferred with counsel regarding its proposed Plaintiff Fact Sheet CMO. The Court will approve the proposed CMO as submitted.

Defense Fact Sheets: Counsel indicated they will continue to meet and confer regarding defense fact sheets. The parties are **DIRECTED** to submit their proposed defense fact sheets to the Court on or before March 18, 2019.

Amendment to CMO 3: The PSC informed the Court it intends to file a motion to amend CMO 3 in order to add two additional members.

Rule 30(b)(6) Depositions: Counsel provided the Court with an update regarding their meet and conferral process.

Privilege Log Update: Counsel provided the Court with an update regarding privilege logs. The PSC anticipates that a CMO will be necessary. Counsel agreed to continue their conferral process and submit a proposed CMO to the Court.

Discovery Update: The Court conferred with counsel concerning the discovery process. The parties indicated they have a production dispute regarding AdvaMed. The parties are **DIRECTED** to meet and confer on or before March 13, 2019. If the parties cannot reach a resolution, the moving party is **DIRECTED** to file a Motion to Compel on or before March 20, 2019. The Court noted it will likely order expedited briefing if a motion is filed.

The parties also stated they have a production dispute regarding plaintiff interrogatories. As discussed, defense counsel is **DIRECTED** to file a Motion to Compel on or before March 18, 2019. The PSC is **ORDERED** to file its response in opposition on or before April 1, 2019. Defense counsel is **ORDERED** to file its reply brief on or before April 8, 2019.

Finally, the parties discussed coordinating deposition testimony between the PSC and plaintiffs' counsel in the Rhode Island litigation. The PSC is **DIRECTED** to confer with the Rhode Island plaintiffs' counsel. The PSC is **ORDERED** to submit a status report to the Court on or before March 13, 2019.

CMO Governing Contact with Healthcare Providers: The parties indicated they anticipate submitting a proposed CMO governing contact with healthcare providers. As discussed, the parties will continue to meet and confer.

Bellwether Cases and Lexecon Waivers: The parties represented to the Court that there are Lexecon waivers in all 12 proposed Bellwether cases. Defense counsel requested a withdrawal

of its own Bellwether selection, *Serviss v. Davol, Inc. et al.* (18-cv-1267), due to changed circumstances. The PSC did not object. Accordingly, defense counsel is **DIRECTED** to submit a replacement Bellwether selection to the Court on or before March 13, 2019.

Trial Schedule: The Court noted it will maintain the current trial schedule, regardless of the outcome of the first Bellwether trials.

Scheduling: The next status conference is scheduled for April 17, 2019 at 11:00 A.M.

IT IS SO ORDERED.

3-7-2019
DATE



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

3/8/2019
DATE



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE