IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL 2187

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 97
(Census Spreadsheet Order)

Following discussions with plaintiffs' leadership as well as counsel for C. R. Bard, Inc., and for good cause shown, I find that in my role as the transferee District Court Judge and in the interest of efficient management of this MDL (which now exceeds 6,000 cases), it is necessary to have a more accurate census of those cases and the claims of putative plaintiffs, as represented by counsel with cases pending before this court. To that end, this Pretrial Order requires the registration of all cases *and* unfiled claims of putative plaintiffs who are represented by counsel using Exhibit A on or before **January 23, 2014.** ***This information shall not be filed; service information is below.*** This Pretrial Order applies to all counsel who represent one or more plaintiffs in this Multidistrict Litigation No. 2187.

The court **ORDERS** the registration of claims as follows:

1. Primary Counsel, as defined below, shall register all claims in which they have an Interest (as defined in Paragraph 2) relating to transvaginal surgical mesh products manufactured by C. R. Bard, Inc. only (this order does not apply to defendants, Sofradim Production and Tissue Science Laboratories Limited), including:

a) Cases pending in this proceeding (directly filed or transferred by the Judicial Panel on Multidistrict Litigation);

b) Claims served but not yet filed under PTO # 80 (Amended Order Regarding Delayed Filing and Application to the Statute of Limitations);

c) Cases pending in any other jurisdiction or tribunal in the United States; and

d) Claims not yet filed in any jurisdiction.

If a case has been filed by one law firm, Primary Counsel shall be the Counsel of Record. If a case has been filed by one or more firms, the firms filing such a case shall designate one firm among them as Primary Counsel, solely for the purposes of this registration. All Counsel in this proceeding shall be responsible for ensuring that all claims relating to transvaginal surgical mesh products manufactured by C. R. Bard, Inc. in which they have an Interest are registered by Primary Counsel in accordance with this Pretrial Order.

2. Counsel shall be deemed to have an "Interest" in a claim against C. R. Bard, Inc. if Counsel or any person affiliated with, or related in any way to, Counsel: a) has an engagement or retainer agreement with a person to represent that person in relation to a C. R. Bard, Inc. transvaginal surgical mesh product; b) is listed as the counsel of record for a plaintiff in a filed pleading related to a C. R. Bard, Inc. transvaginal surgical mesh product; c) has entered an appearance for a plaintiff in any legal action related to a C. R. Bard, Inc. transvaginal surgical mesh product; d) would benefit directly or indirectly from any claim payment connected with a C. R. Bard, Inc. transvaginal surgical mesh product; or e) otherwise has any financial interest of any kind whatsoever in any claim of such plaintiff connected with a C. R. Bard, Inc. transvaginal surgical mesh product.

3. The registration of claims by Primary Counsel shall be provided in the form of a Census Spreadsheet attached as Exhibit A to this Pretrial Order.
4. Primary Counsel shall provide the information required by this Order completely and accurately.
5. Primary Counsel shall serve the Census Spreadsheet via email on Henry Garrard, one of the co-lead plaintiffs' counsel in MDL 2187, and Lori Cohen, counsel for C. R. Bard, Inc., by no later than **January 23, 2014,** as follows:
   a) Primary Counsel shall attach two (2) files to a single email message – i) the completed Census Spreadsheet in Excel format; and ii) a certificate of service in Adobe pdf format – and serve all of the documents on respective counsel at the following email addresses:

For Plaintiffs:	Henry Garrard	slh@bbgbalaw.com
For C. R. Bard, Inc.:	Lori Cohen	Bard.MDL@gtlaw.com

   b) The subject line in the email should state: "Census Spreadsheet for [insert name of Primary Counsel or that attorney's law firm]."
6. **Primary Counsel must certify, pursuant to 28 U.S.C. § 1746, that the information contained in the Census Spreadsheet is true, complete and correct to his or her knowledge. Submission of the Census Spreadsheet (Exhibit A) constitutes a representation to the court that the list of claimants and information provided therein is true, complete and correct.**
7. **The court expects all counsel to comply with this Pretrial Order.** Failure to meet the requirements of this Pretrial Order by the deadline set herein will subject non-compliant

counsel to a show cause hearing as to why they have not complied with this Pretrial Order.

8. Complying with this Pretrial Order does not relieve a plaintiff from complying with any other order of this court, including Pretrial Order # 66 related to the Plaintiff Profile Form.

The court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-2187 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-33494. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

Enter: December 31, 2013

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Bard Census Spreadsheet

Exhibit A

PLAINTIFF NAME	LAST 4 OF SSN	SPECIFIC PRODUCT(S) IMPLANTED W/DATE OF EACH IMPLANT (NOT LIMITED TO BARD AND/OR TSL/SOFRADIM PRODUCTS)*	DATE OF FIRST SURGERY UNDER GENERAL ANESTHESIA**	PRODUCT(S) EXPLANTED DURING 1ST SURGERY	NO. OF SUBSEQUENT SURGERIES UNDER GENERAL ANESTHESIA RELATED TO THE IMPLANTED MESH PRODUCTS***	FOR THOSE WITH NO SURGERY, NO. OF MONTHS OF CONTINUOUS TREATMENT UNDER A PHYSICIAN'S SUPERVISION FOR MESH-RELATED COMPLICATIONS****	OFFICE EXCISIONS/ REVISIONS NOT UNDER GENERAL ANESTHESIA	SURGERY RECOMMENDED BY A TREATING PHYSICIAN BUT NOT YET PERFORMED

**Identify what product was implanted on each date, if there are multiple implantation dates.*

***General anesthesia is the induction of a state of unconsciousness with the absence of pain sensation over the entire body, through the administration of anesthetic drugs. First surgery means post implantation and would include any surgery under general anesthesia due to mesh issues, even if no mesh was removed.*

****A surgical procedure on one date can only be listed once (i.e., if one surgery has removal of both a prolapse product and an SUI product).*

*****Include the nature of the treatment rendered to the individual.*

TO BE CERTIFIED BY ATTORNEY OF RECORD THAT THE INFORMATION IS BASED UPON A REVIEW OF THE PLAINTIFF'S MEDICAL RECORDS