

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC., IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

No. 1:14-ml-02570-RLY-TAB
MDL No. 2570

This Document Relates to All Cases

**ENTRY ON SEPTEMBER 1, 2015,
TELEPHONIC STATUS CONFERENCE**

Parties appeared by counsel on September 1, 2015, for a telephonic status conference. Discussion held regarding case management, discovery, and settlement. The Court issued the following orders.

- 1) Joe Williams' appointment to the Plaintiffs' Leadership Structure as State/Federal Liaison Counsel is clarified in that he also will serve as Plaintiffs' Liaison Counsel.
- 2) Regarding Plaintiffs' allegations of deficiencies in Defendants' Fact Sheets, counsel shall meet and confer and attempt to resolve any issues by agreement. If unable to do so, counsel shall request that the issue be added to the agenda for the next telephonic status conference and shall serve copies of the Fact Sheets in question on the Magistrate Judge at least three business days prior to the conference.
- 3) The Court will conduct settlement conferences on selected member cases on February 16, 17, and 18, 2016, in Indianapolis. The cases will be chosen from the Discovery Pool cases, with the protocol for selecting such cases to be determined at a later date.
- 4) No later than September 15, 2015, the parties shall file a proposed joint amended Case Management Plan that includes all sections of the CMP, not just those sections being

amended. Counsel shall suggest an amendment to Section III-F that will clarify the timeframe for case specific discovery and provide a date certain for the commencement of written case specific discovery. In addition, counsel shall revisit the present protocol for selection of Bellwether cases outlined in Section III-L of the Case Management Plan. If the parties can agree on a revised protocol, that should be included in the proposed CMP. If not, the issue will be addressed at the next telephonic status conference.

5) No later than October 1, 2015, Plaintiffs shall file Short Form Complaints in all cases in which the operable Short Form Complaint has not yet been filed.

6) Counsel shall confer regarding the need to amend the Master Complaint to terminate the additional Cook Defendants not named in the Short Form Complaint. This topic will be addressed at the next telephonic status conference.

7) **The next telephonic status conference will be held at 10:00 am on October 14, 2015.** Parties shall appear by counsel, who will be provided with the call in information via email. Counsel shall submit to the Magistrate Judge an agenda at least three business days prior to the conference.

Date: 9/8/2015



Tim A. Baker
U.S. Magistrate Judge
Southern District of Indiana

Copies to all registered counsel of record via the Court's ECF system.
All non-registered counsel of record will be served by Plaintiffs' Lead Counsel.