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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

**IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION**

This Order Relates to: All Actions

MDL No. 2641

**CASE MANAGEMENT
ORDER NO. 1**

I. Plaintiffs’ Leadership Counsel Appointments

The Court having considered all of the applications submitted and other relevant information, appoints the following plaintiffs’ counsel to leadership positions, as indicated and to be known as “Plaintiffs Leadership Counsel”:

Plaintiffs’ Co-Lead/Liaison Counsel and State/Federal Liaison Counsel	
Robert W. Boatman	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016
Ramon R. Lopez	Lopez McHugh, LLP 100 Bayview Cir., Ste. 5600 Newport Beach, CA 92660

Plaintiffs' Steering Committee (PSC)	
Shannon Clark	Gallagher & Kennedy, PA 2575 E. Camelback Rd., Ste. 1100 Phoenix, AZ 85016
John A. Dalimonte	Karon & Dalimonte, LLP 85 Devonshire St., Ste. 1000 Boston MA, 02109
Troy A. Brenes	Brenes Law Group 16A Journey Aliso Viejo, CA 92656
Ben C. Martin	Law Offices of Ben C. Martin 3219 McKinney Ave., Ste. 100 Dallas, TX 75204
Joseph R. Johnson	Babbitt & Johnson, PA 1641 Worthington Rd., #100 West Palm Beach, FL 33409
Julia Reed Zaic	Heaviside Reed Zaic 312 Broadway St., Ste. 203 Laguna Beach, CA 92651
Howard L. Nations	The Nations Law Firm 3131 Briarpark Dr., #208 Houston, TX 77042
Russell W. Budd	Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, TX 75219
Thomas P. Cartmell	Wagstaff & Cartmell, LLP 4740 Grand Ave., #300 Kansas City, MO 64112
Turner W. Branch	Branch Law Firm 2025 Rio Grande Blvd, NW Albuquerque, NM 87104
Wendy R. Fleishman	Lieff, Cabraser, Heimann & Bernstein, LLP 250 Hudson St., 8 th Floor New York, NY 10013
Donald A. Migliori	Motley Rice, LLC 321 South Main St., 2 nd Floor Providence, RI 02903
Sheila M. Bossier	Freese & Goss, PLLC 1520 North State St. Jackson, MS 39202

1 2	Stuart L. Goldenberg	Goldenberg Law, PLLC 800 Lasalle Ave., #2150 Minneapolis, MN 55402
3 4	Christopher T. Kirchmer	Provost Umphrey Law Firm, LLP 490 Park St., P.O. Box 4905 Beaumont, TX 77704
5 6	Michael A. Kelly	Walkup, Melodia, Kelly & Schoenberger 650 California St. San Francisco, CA 94108
7 8	Matthew McCarley	Fears Nachawati Law Firm 4925 Greenville Ave., Ste. 715 Dallas, TX 75206
9 10	Hadley L. Matarazzo	Faraci Lange, LLP First Federal Plaza 28 East Main St., Ste. 1100 Rochester, NY 14614
11 12	Eric M. Terry	TorHoerman Law, LLC 101 W. Vandalia Edwardsville, IL 62025
13 14	Joseph A. Osborne	Osborne & Associates Law Firm, PA 433 Plaza Real, Ste. 271 Boca Raton, FL 33432
15 16	Michael T. Gallagher	The Gallagher Law Firm, LLP 2905 Sackett Street Houston, TX 77098
17 18	Nate Van Der Veer	Farris, Riley & Pitt LLP The Financial Center 505 20th Street North Birmingham, AL 35203

20 **II. Responsibilities**

21 **A. Procedural Matters**

22 1. As noted in this Court's previous Order Setting Initial Case
23 Management Conference dated September 15, 2015, the Clerk of this Court will maintain
24 a master docket case file under the style "*In Re: Bard IVC Filters Products Liability*
25 *Litigation*" and the identification "MDL No. 2641." Lead/Liaison will be (a) the only
26 attorneys permitted to file in the Master Docket as to all actions, and (b) the only
27 attorneys receiving Notices of Electronic Filing for pleadings and orders filed in the
28 Master Docket for all actions.

1 2. With regard to the Master Docket, Plaintiffs' Lead/Liaison Counsel
2 shall:

- 3 a. Serve as the recipient for all Court orders.
4 b. Coordinate service and filings for all plaintiffs whether
5 presently included or subsequently added.
6 c. Maintain and distribute to co-counsel and to Defendants'
7 Counsel an up-to-date service list.
8 d. Maintain responsibility for service upon all other attorneys
9 and parties as to filings made in the master docket.
10 Specifically, Lead/Liaison Counsel shall receive and
11 distribute, to all other Plaintiffs' counsel, pleadings orders,
12 and motions by email, overnight courier service, or telecopier,
13 within two days after receipt, unless such service has been
14 waived, in writing, by a receiving counsel.
15 e. Coordinate discovery and litigation with similar cases outside
16 of this Court's jurisdiction.

17 3. Lead/Liaison Counsel is only responsible for service with regard to
18 filings in the Master Docket. With regard to case-specific filings, all attorneys of
19 record in the relevant member action will receive a Notice of Electronic Filing
20 from the Court.

21 4. New counsel for later-filed or later-transferred cases that become
22 part of this MDL shall be responsible for checking the Master Docket for all
23 orders previously entered that may have relevance to such new cases.

24 **B. Responsibilities Specific to Lead/Liaison Counsel**

25 In addition to the responsibilities identified above, Plaintiffs' Lead/Liaison
26 Counsel shall:

- 27 1. Coordinate the establishment of a document depository, real or
28 virtual, to be available to all participating plaintiffs' counsel;

1 2. Maintain and make available to all participating plaintiffs' counsel
2 of record, at reasonable hours, a complete file of all documents served by or upon
3 each party (except documents as may be available at a document depository);

4 3. Prepare agendas for court conferences and periodically report
5 regarding the status of the case; and

6 4. Carry out such other duties as the Court may order.

7 **C. Responsibilities Applicable to all Plaintiffs' Leadership Counsel**

8 Plaintiffs Leadership Counsel shall have the following responsibilities:

9 1. Discovery

10 a. Initiate, coordinate, and conduct all pretrial discovery on
11 behalf of plaintiffs in all actions which are consolidated with
12 this MDL.

13 b. Develop and propose schedules for the commencement,
14 execution, and completion of all discovery on behalf of all
15 plaintiffs.

16 c. Cause to be issued in the name of all plaintiffs the necessary
17 discovery requests, motions and subpoenas pertaining to any
18 witnesses and documents needed to properly prepare for the
19 pretrial of relevant issues found in the pleadings of this
20 litigation.

21 d. Conduct all discovery in a coordinated and consolidated
22 manner on behalf and for the benefit of all plaintiffs.

23 2. Hearings and Meetings

24 a. Call meetings of counsel for plaintiffs for any appropriate
25 purpose, including coordinating responses to questions of
26 other parties or of the Court. Initiate proposals, suggestions,
27 schedules or joint briefs, and any other appropriate matters
28 pertaining to pretrial proceedings.

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- b. Examine witnesses and introduce evidence on behalf of plaintiffs at hearings.
- c. Act as spokespersons for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

3. Miscellaneous

- a. Submit and argue all verbal and written motions presented to the Court on behalf of Plaintiff's Leadership Counsel as well as oppose when necessary any motion submitted by defendants or other parties which involve matters within the sphere of the responsibilities of Plaintiffs' Leadership Counsel.
- b. Negotiate and enter into stipulations with defendants regarding this litigation. All stipulations entered into by Plaintiffs' Leadership Counsel, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until ratified by the Court. Any attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection within five (5) days after he/she knows or should have reasonably become aware of the stipulation. Failure to object within the term allowed shall be deemed a waiver and the stipulation will automatically be binding on that party.
- c. Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.

- 1 d. Maintain adequate files of all pretrial matters, including
- 2 establishing and maintaining a document or exhibit
- 3 depository, in either real or virtual format, and having those
- 4 documents available, under reasonable terms and conditions
- 5 for examinations by all MDL plaintiffs or their attorneys.
- 6 e. Perform any task necessary and proper for Plaintiffs
- 7 Leadership Counsel to accomplish its responsibilities as
- 8 defined by the Court's orders, including organizing
- 9 subcommittees comprised of plaintiffs' lawyers not on
- 10 Plaintiffs' Leadership Counsel.
- 11 f. Work with Lead/Liaison Counsel to coordinate the
- 12 responsibilities of Plaintiffs' Leadership Counsel meetings,
- 13 keep minutes or transcripts of these meetings, appear at
- 14 periodic Court-noticed status conferences, perform other
- 15 necessary administrative or logistic functions of Plaintiffs'
- 16 Leadership Counsel, and carry out any duty as ordered by the
- 17 Court.
- 18 g. Perform other such functions that may be expressly
- 19 authorized by further Court Orders.

20 D. Reimbursement of Costs Expended

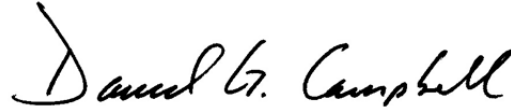
21 Plaintiffs' Leadership Counsel shall be entitled to seek reimbursement for costs
22 expended at the time and in a manner approved by the Court. Reimbursements will be
23 governed by a further case management order to be proposed by Plaintiffs' Leadership
24 Counsel and entered by the Court.

25 **III. Term of Appointments.**

26 Appointments to leadership positions in this order shall last for a term of one year
27 from the date of this order unless terminated earlier by the Court. Thirty days before the
28 expiration of this one-year term, Lead/Liaison Counsel shall file a memorandum

1 notifying the Court of the need to make further appointments and making
2 recommendations regarding those appointments.

3 Dated this 30th day of October, 2015.

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9 David G. Campbell
10 United States District Judge
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