

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

PRETRIAL ORDER NO. 24:  
Second Bellwether Selection

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This Document Relates to All Actions

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Eight more Bellwethers will be selected:

1. The Court randomly selected 100 open cases (“Cases”) from the *Bair Hugger* MDL, 15-2666. Ex. A. These Cases were filed in, removed to, or transferred to the MDL by October 1, 2017.

2. By February 9, 2018, Plaintiffs must do three things for each Case. Defendants may move to dismiss with prejudice any Case for which, by the deadline, Plaintiffs have not done so.

a. Plaintiffs must ascertain that a Bair Hugger was used in the surgery at issue (“Bair Hugger Use”), to the best of their ability.

b. If Plaintiffs have evidence of Bair Hugger Use, they must produce it to Defendants.

c. Plaintiffs must serve a complete, verified Plaintiff Fact Sheet. *See* Pretrial Order No. 14 ¶¶ 2-4, Dkt. No. 117.

3. By February 16, 2018, Defendants must challenge Plaintiffs as to any disputes about Bair Hugger Use in the Cases. These challenges must include any relevant

documents Defendants have.

4. By March 12, 2018, Plaintiffs and Defendants must each list sixteen Cases to the Court. They may not list Bellwether-inappropriate Cases. From these lists, the Court will pick twelve potential Bellwethers on March 13, 2018.

5. By March 20, 2018, Plaintiffs and Defendants may each strike two of the Court's picks by listing strikes to the Court. The remaining picks are Bellwethers.

6. By March 27, 2018, Plaintiffs and Defendants must propose to the Court, jointly or separately:

a. A Bellwether sequence and

b. A schedule for the first two Bellwethers through their ready-for-trial

date.

IT IS SO ORDERED.

Dated: January 19, 2018

*s/ Joan N. Ericksen*

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The Honorable Joan N. Ericksen  
United States District Judge  
District of Minnesota

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Exhibit A: One hundred member Cases,  
per Pretrial Order No. 24 ¶ 1.

1	0:15-cv-04265-JNE-FLN	Mayne v. 3M Company
2	0:15-cv-04361-JNE-FLN	Edwards v. 3M Company et al
3	0:16-cv-00214-JNE-FLN	Taylor v. 3M Company
4	0:16-cv-00610-JNE-FLN	Weimer v. 3M Company
5	0:16-cv-01201-JNE-FLN	Storckman v. 3M Company
6	0:16-cv-01261-JNE-FLN	Wolfe v. 3M Company et al
7	0:16-cv-02054-JNE-FLN	Trainer v. 3M Company et al
8	0:16-cv-02123-JNE-FLN	Trice v. 3M Company and Arizant Healthcare, Inc.
9	0:16-cv-02144-JNE-FLN	Partlow v. 3M Company et al
10	0:16-cv-02279-JNE-FLN	Bullington v. 3M Company et al
11	0:16-cv-02323-JNE-FLN	Acosta et al v. 3M Company et al
12	0:16-cv-02369-JNE-FLN	Lesch et al v. 3M Company et al
13	0:16-cv-02457-JNE-FLN	Deardurff et al v. 3M Company et al
14	0:16-cv-02480-JNE-FLN	Lowry v. 3M Company et al
15	0:16-cv-02482-JNE-FLN	Parks v. 3M Company et al
16	0:16-cv-02665-JNE-FLN	Fergeson v. 3M Company et al
17	0:16-cv-02679-JNE-FLN	Davis v. 3M Company
18	0:16-cv-02723-JNE-FLN	Tucker v. 3M Company et al
19	0:16-cv-02798-JNE-FLN	Arcotta v. 3M Company et al
20	0:16-cv-03266-JNE-FLN	Wilson et al v. 3M Company et al
21	0:16-cv-03370-JNE-FLN	Weinhold et al v. 3M Company et al
22	0:16-cv-03428-JNE-FLN	McReynolds v. 3M Company et al
23	0:16-cv-03917-JNE-FLN	Hicks v. 3M Company et al
24	0:16-cv-03957-JNE-FLN	Riggan et al v. 3M Company et al
25	0:16-cv-04159-JNE-FLN	Trombley v. 3M Company
26	0:16-cv-04190-JNE-FLN	Johns v. 3M Company et al
27	0:16-cv-04296-JNE-FLN	Duncan et al v. 3M Company
28	0:17-cv-00101-JNE-FLN	Anderson v. 3M Company et al
29	0:17-cv-00112-JNE-FLN	Peterson et al v. 3M Company et al
30	0:17-cv-00338-JNE-FLN	Blythe v. 3M Company et al
31	0:17-cv-00365-JNE-FLN	Geiogamah v. 3M Company et al

32	0:17-cv-00413-JNE-FLN	Swank et al v. 3M Company et al
33	0:17-cv-00459-JNE-FLN	Arnold v. 3M Company
34	0:17-cv-00511-JNE-FLN	Axline v. 3M Company et al
35	0:17-cv-00575-JNE-FLN	Tolson v. 3M Company et al
36	0:17-cv-00581-JNE-FLN	Smith et al v. 3M Company et al
37	0:17-cv-00665-JNE-FLN	Grazier v. 3M Company et al
38	0:17-cv-00727-JNE-FLN	Beene v. 3M Company et al
39	0:17-cv-00732-JNE-FLN	Parks v. 3M Company et al
40	0:17-cv-00869-JNE-FLN	Koffarnus v. 3M Company et al
41	0:17-cv-01074-JNE-FLN	Cushman v. 3M Company et al
42	0:17-cv-01078-JNE-FLN	Ramirez et al v. 3M Company et al
43	0:17-cv-01206-JNE-FLN	Lopez v. 3M Company et al
44	0:17-cv-01286-JNE-FLN	Griffin v. 3M Company
45	0:17-cv-01520-JNE-FLN	Griffin v. 3M Company
46	0:17-cv-01696-JNE-FLN	Hives v. 3M Company et al
47	0:17-cv-01748-JNE-FLN	Criswell v. 3M Company et al
48	0:17-cv-01760-JNE-FLN	Dillard v. 3M Company et al
49	0:17-cv-01784-JNE-FLN	Fitts v. 3M Company et al
50	0:17-cv-01801-JNE-FLN	Payne v. 3M Company et al
51	0:17-cv-01830-JNE-FLN	Onkotz v. 3M Company et al
52	0:17-cv-01833-JNE-FLN	Narcho v. 3M Company et al
53	0:17-cv-01835-JNE-FLN	Henry v. 3M Company
54	0:17-cv-01872-JNE-FLN	Regennitter et al v. 3M Company et al
55	0:17-cv-01908-JNE-FLN	Squire v. 3M Company et al
56	0:17-cv-01922-JNE-FLN	Moore v. 3M Company et al
57	0:17-cv-01928-JNE-FLN	Anderson et al v. 3M Company et al
58	0:17-cv-01945-JNE-FLN	Potter et al v. 3M Company et al
59	0:17-cv-02007-JNE-FLN	Kitchens v. 3M Company et al
60	0:17-cv-02105-JNE-FLN	Hoxworth et al v. 3M Company et al
61	0:17-cv-02141-JNE-FLN	Reynolds et al v. 3M Company et al
62	0:17-cv-02160-JNE-FLN	Hooper et al v. 3M Company et al
63	0:17-cv-02171-JNE-FLN	Honick, Jr. v. 3M Company
64	0:17-cv-02184-JNE-FLN	Gunter v. 3M Company et al
65	0:17-cv-02350-JNE-FLN	Gibson v. 3M Company et al
66	0:17-cv-02360-JNE-FLN	Fania v. 3M Company et al
67	0:17-cv-02373-JNE-FLN	Thorne v. 3M Company et al
68	0:17-cv-02382-JNE-FLN	O'Neal et al v. 3M Company et al
69	0:17-cv-02447-JNE-FLN	Spreitler v. 3M Company et al
70	0:17-cv-02570-JNE-FLN	Randell v. 3M Company et al
71	0:17-cv-02574-JNE-FLN	Glaze v. 3M Company et al
72	0:17-cv-02649-JNE-FLN	Kudrako v. 3M Company et al

73	0:17-cv-02684-JNE-FLN	Mackey v. 3M Company et al
74	0:17-cv-02718-JNE-FLN	Allen v. 3M Company et al
75	0:17-cv-02734-JNE-FLN	Hughes v. 3M Company et al
76	0:17-cv-02745-JNE-FLN	Devries v. 3M Company et al
77	0:17-cv-02839-JNE-FLN	Hollie v. 3M Company et al
78	0:17-cv-02931-JNE-FLN	Scott v. 3M Company et al
79	0:17-cv-03056-JNE-FLN	Goodpaster et al v. 3M Company et al
80	0:17-cv-03068-JNE-FLN	Henderson v. 3M Company et al
81	0:17-cv-03108-JNE-FLN	Dukleth v. 3M Company et al
82	0:17-cv-03289-JNE-FLN	Ribail et al v. 3M Company et al
83	0:17-cv-03294-JNE-FLN	Hawkins v. 3M Company et al
84	0:17-cv-03363-JNE-FLN	Hulse v. 3M Company et al
85	0:17-cv-03425-JNE-FLN	Bowman et al v. 3M Company et al
86	0:17-cv-03434-JNE-FLN	Sturdivant v. 3M Company et al
87	0:17-cv-03476-JNE-FLN	Platine v. 3M Company
88	0:17-cv-03517-JNE-FLN	McLeod v. 3M Company et al
89	0:17-cv-03621-JNE-FLN	Davis v. 3M Company et al
90	0:17-cv-03692-JNE-FLN	Prendergast v. 3M Company et al
91	0:17-cv-03738-JNE-FLN	Schakel v. 3M Company
92	0:17-cv-03763-JNE-FLN	Washington v. 3M Company et al
93	0:17-cv-03811-JNE-FLN	Pope v. 3M Company et al
94	0:17-cv-04013-JNE-FLN	Giroux v. 3M Company et al
95	0:17-cv-04020-JNE-FLN	Banet v. 3M Company et al
96	0:17-cv-04249-JNE-FLN	Gee v. 3M Company et al
97	0:17-cv-04258-JNE-FLN	Haynes v. 3M Company et al
98	0:17-cv-04451-JNE-FLN	Jackson v. 3M Company et al
99	0:17-cv-04470-JNE-FLN	Ingram v. 3M Company et al
100	0:17-cv-04502-JNE-FLN	Parker v. 3M Company et al