

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: SORIN 3T	:	MDL DOCKET NO. 2816
HEATER-COOLER SYSTEM	:	Civil Action No. 1:18-MD-2816
PRODUCTS LIABILITY	:	
LITIGATION (NO. II)	:	Hon. John E. Jones, III
	:	
	:	THIS DOCUMENT RELATES TO:
	:	ALL CASES

REVISED JOINT PROPOSED CASE MANAGEMENT ORDER

Pursuant to this Court's Case Management Order No. 4 [Dkt. # 60], the parties submit this Revised Joint Proposed Case Management Order outlining certain case-specific and generic discovery and other goals for the next 120 day period.

A proposed Order for the Court to adopt this proposal as an Order of the Court is submitted herewith.

<u>Task/Event</u>	<u>Date</u>
Agree on content of Plaintiff fact sheets or submit to Magistrate Judge	On or before June 30
Agree on content of Defendant fact sheets or submit to Magistrate Judge	On or before June 30
Serve completed Plaintiff fact sheets	30 days following Court approval of Plaintiff and Defendant Fact Sheets

Serve completed Defendant fact sheets	60 days following Court approval of Plaintiff and Defendant Fact Sheets
Agree on any possible revisions to Protective Order and ESI Protocol or submit to Magistrate Judge	On or before June 30
Propound additional non-duplicative set of Requests for Production on Defendants	On or before August 10, 2018
Plaintiff to conduct depositions of Defendant personnel (5-7 witnesses specified among counsel) (No intention of re-deposing company witnesses already deposed)	October 5, 2018
Continue ongoing and begin new discovery of two hospitals (specified among counsel) (approximately 5 -7 depositions per hospital along with document subpoenas where needed)	October 5, 2018
Begin written discovery and possible depositions of federal regulatory entities, study authors and laboratories (specified among counsel)	October 5, 2018

In addition to the above, counsel will explore the following proposals for case efficiency:

- Develop a process to eliminate and dismiss non-meritorious cases based upon significant deficiencies in fact sheets
- Selection of single source for medical record collection and repository
- Selection of single lab to perform isolate testing
- Selection and use of common document production/storage software
- Translation services, if needed

Rule 30(b)(6) depositions of Defendants are postponed to later in the case and closer to end of ultimate fact discovery period. Similarly, expert designations, depositions and deadlines will be considered after status is evaluated following this initial 120 day period.

The parties and Court recognize that the initial 120 day period is aspirational in nature, with the specified tasks and proposed discovery representing what the parties will work on during this time. The Court has established monthly status calls to keep abreast of progress. Following the 120 day period, the parties and Court will evaluate progress and will seek to establish fact discovery and other case deadlines as appropriate for the status of the case at that time.

Respectfully submitted:

s/Sol H. Weiss

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on the 19th day of June, 2018, I served a copy of the foregoing **REVISED JOINT PROPOSED CASE MANAGEMENT ORDER** via electronic filing with the Court's ECF system to all counsel of record.

/s/ Mark E. Gebauer, Esq.

Attorneys for Defendants

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CASE MANAGEMENT ORDER NO. 5

Pursuant to this Court’s Case Management Order No. 4 [Dkt. # 60] and the Case Management Conference held on May 31, 2018, the parties conferred and submitted a Revised Joint Proposed Case Management Order outlining certain case-specific and generic discovery and other goals for the next 120 day period.

The Court hereby adopts this proposal as an Order of the Court as follows:

<u>Task/Event</u>	<u>Date</u>
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Done this ____ day of _____ 2018

By the Court:

John E. Jones, III
U.S. District Judge