

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
ALL ACTIONS.

PRETRIAL ORDER NO. 2

STIPULATED ORDER ON CASE INFORMATION SESSION

October 10, 2018 Information Session

On October 10, 2018, this Court will host, and counsel for the parties will present, a “Case Information Session” to provide the Court with case historical and medical information to familiarize the Court, in a broad sense, with the preliminary background of pertinent issues in this case. Given the early stage of the litigation, and to avoid duplication in presentation, the Parties have agreed to the following ground rules for the Case Information Session which will be presented in a non-adversarial manner and which will govern this Case Information Session:

1. The Parties have agreed that the topics to be discussed at the Case Information Session may include: (1) introduction to the products involved; (2) summary of litigation history; (3) overview of ongoing state court litigation; (4) anticipated number of cases within the MDL; (5) product design issues; (6) product use in humans, including injuries being alleged by the plaintiffs, in an objective format; and (7) pertinent medical and scientific terminology and overview of certain medical and scientific issues associated with the subject products.

2. The Case Information Session presentations will be transcribed by the Court’s reporter for the Court’s use only, with costs of same to be split by the Parties.

3. The presentations will be made by the Parties' counsel. No witnesses, expert, fact, or otherwise will be called.

4. The format may be lecture-style presentations that may incorporate the use of PowerPoints or other demonstrative aids, which will not be exchanged by the Parties, but which may be provided to the Court upon the conclusion of the Case Information Session.

5. Neither the transcript, nor any PowerPoints or other demonstrative aids, shall be discoverable, admissible, used in any fashion for impeachment purposes or for collateral attack on any presenter's case, shared beyond the instant litigation, or used for any purpose other than for this Court's benefit to gather informal knowledge at the Case Information Session. This agreement notwithstanding, the Parties agree that nothing in this Stipulation will preclude a Party from using its own materials on its own behalf in any trial in this matter.

6. The Plaintiffs' Steering Committee will have 45 minutes and the Defendants will have 45 minutes for their respective presentations.

IT IS SO ORDERED.

10-3-2018
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE