

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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

**Civil Action 2:18-MD-2846
CHIEF JUDGE EDMUND A. SARGUS
Magistrate Judge Kimberly A. Jolson**

This document relates to: ALL CASES.

PRETRIAL ORDER NO. 3

October 10, 2018 Conference and Information Session

This matter came before the Court for an in-person status conference and information session on October 10, 2018. This Pretrial Order memorializes the results of the conference and information session as follows:

Case Management Orders:

- The Court conferred with counsel regarding the parties' proposed case management order ("CMO") on electronically stored information ("ESI") discovery. Per the discussion, the Court will approve the proposed CMO as written.
- The Court spoke with counsel regarding the parties' proposed CMO concerning the preservation of records. The parties are directed to meet and confer regarding the disputed language. The parties shall provide the Court with their proposed language on or before **October 15, 2018.**

- The Court discussed the parties' proposed CMO pertaining to protective orders. Given the complexity of the parties' disputed language, the Court requests additional briefing. The parties are directed to file contemporaneous briefs on or before **October 17, 2018**.
- The Court conferred with counsel concerning the parties' proposed CMO on master pleadings. The parties reached an agreement regarding the disputed language on page 1 of the proposed CMO. Counsel is directed to meet and confer regarding any remaining disagreements. The parties shall provide the Court with their proposed language on or before **October 15, 2018**.
- Finally, the Court spoke with counsel regarding the parties' proposed CMO on generic discovery. The Court will approve the proposed CMO as written.

Initial Master Discovery Requests:

The Court conferred with the parties regarding the Plaintiff Steering Committee's initial master discovery requests. Defense counsel is directed to provide preliminary written responses to the master discovery requests on or before **November 20, 2018**. Defense counsel reserves the right to make additional objections after November 20, 2018.

Process for 30(b)(6) Depositions:

The Court asked the parties to provide their initial thoughts regarding a process for 30(b)(6) depositions. Defense counsel indicated they have already received several 30(b)(6) deposition requests. The parties agreed to meet and develop a mutually acceptable 30(b)(6) deposition process. In addition, the parties noted that existing 30(b)(6) deposition requests will be amended to reflect the agreement. Counsel shall provide the Court with their proposed process on or before **October 15, 2018**.

Master Scheduling and First Trial Date:

The Court inquired whether the parties have reached agreement or identified points of contention with regard to establishing a case schedule. The parties indicated they anticipate working together over the next several weeks to reach an agreement on proposed dates. As discussed, the parties' conversations should consider the following points:

- The Court anticipates scheduling the first trial date in approximately 16 months.
- Each party will be permitted to identify 6 potential *Bellwether* cases for enhanced discovery and trial consideration. The Court will subsequently narrow the parties' 12 identified cases to a total of 3 *Bellwether* cases each.
- The parties anticipate each trial will last 4 weeks.
- The Court anticipates a 5-week interim between trials.

Case Information Session:

During the case information session, the parties provided an overview of: 1) ventral and inguinal hernia mesh surgery, 2) medical terminology, 3) the products involved, 4) the interplay between hernia mesh manufacturers and surgeons, 4) the case history, and 5) ongoing state court litigation.

Status Conference:

The Court scheduled an in-person status conference on **November 16, 2018 at 9:00 A.M.** at the United States District Court, Joseph P. Kinneary United States Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215. The agenda for the November 16, 2018 status conference shall include, but is not limited to, proposed CMOs, the master schedule, and the first trial date.

