

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. 5

December 18, 2018 Conference

This matter came before the Court for an in-person status conference on December 18, 2018. This Pretrial Order memorializes the results of the conference as follows:

Short Form Complaint: The Plaintiffs' Steering Committee ("PSC") provided the Court with an update regarding the short form complaint.

Case Management Orders:

- The Court conferred with counsel regarding their proposed Defense Profile Form Case Management Order ("CMO"). The Court will adopt the parties' proposal.
- The Court also conferred with counsel regarding their proposed Pathology Preservation Protocol CMO. The Court will adopt the parties' proposal.
- Counsel also discussed a possible Privilege Log & Dispute Resolution Process Case Management Order. The parties are **DIRECTED** to meet and confer regarding the

proposed CMO. Counsel will raise any remaining legal disputes pertaining to the proposal at the next Case Management Conference.

Discussion of Rule 30(b)(6) Deposition Notices: The Court discussed the PSC's initial 30(b)(6) deposition notices with counsel. The parties are **DIRECTED** to meet and confer regarding proposed procedures and dates for the depositions.

Discovery Updates: Counsel provided the Court with discovery updates regarding: (1) non-MDL 1842 rolling production, and (2) MDL 1842 depositions and exhibits.

Document Requests for Foreign Regulatory Materials: The Court conferred with counsel regarding the PSC's document requests for select foreign regulatory materials. The PSC is **DIRECTED** to file a Motion to Compel. Defense Counsel is **DIRECTED** to file its Response in Opposition within 14 days of the PSC's initial filing. The PSC is **DIRECTED** to file its Reply within 10 days of Defense Counsel's Opposition.

Monthly Discovery Status Teleconference: The Court declined to adopt the PSC's proposal for a monthly discovery status teleconference at this time. The parties are **DIRECTED** to consider submitting a Discovery Status Report at least 7 days prior to the next Case Management Conference.

Updates on Plaintiff Profile Forms and Coordination: Counsel provided the Court with updates regarding Plaintiff Profile Forms and coordination efforts with ongoing hernia mesh litigation.

Hernia Mesh Website: Finally, counsel informed the Court of a hernia mesh website (www.herniameshlawsuit.org) which contains inaccurate statements concerning the MDL. The website is not affiliated with the PSC. The parties agree to meet and confer regarding a resolution.

Status Conference:

The Court scheduled an in-person status conference on **January 22, 2019 at 1:30 P.M.** at the United States District Court, Joseph P. Kinneary United States Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215. The parties are **DIRECTED** to submit a proposed agenda for the January 22, 2019 status conference at least 7 days prior to the conference.

IT IS SO ORDERED.

12-19-2018
DATE



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

12/19/2018
DATE



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE