

UNITED STATES DISTRICT COURT
THE 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 CASES.

PRETRIAL ORDER NO. 8

April 17, 2019 Status Conference

On April 17, 2019, the Court held an in-person status conference with counsel for the Plaintiffs' Steering Committee (the "PSC") and counsel for Defendants. This Pretrial Order memorializes the conference as follows:

Case Filings Update: The parties provided the Court with an update regarding filings. The PSC indicated there are currently 1,720 cases filed, with approximately 80–100 new filings per week.

Case Management Order ("CMO") on Treating Physician Depositions: The parties informed the Court they are in the process of drafting a proposed CMO and will continue to meet and confer.

Rule 30(b)(6) Deposition Update: The PSC requested that defense counsel provide a date when substantive designees and their custodial records will be disclosed. Defense counsel responded they will provide these disclosures in the last week of May or the first week in June.

Deposition Notices for Company Witnesses: The PSC indicated it has served 19 deposition notices to company witnesses. In addition, the PSC noted it will work with defense counsel to establish a deposition schedule.

Cross-Notices on Depositions in Rhode Island Litigation: Defense counsel stated they intend to file cross-notices of the depositions scheduled in the Rhode Island litigation on May 2, 2019 and May 3, 2019. The PSC indicated it will object. The Court noted the parties have already briefed this particular issue (*see* ECF Nos. 121 and 123). Accordingly, defense counsel is **DIRECTED** to file its cross-notices in MDL 2846 via the Court's electronic filing system. When the Court receives these filings, it will consider the PSC's Motion to Quash (ECF No. 121) ripe for review.

Document Production Update: The PSC voiced concerns regarding the rate of document production. Defense counsel represented to the Court that it has made substantial productions and will continue to do so. Defense counsel is **ORDERED** to provide the PSC and the Court with a date certain in which production will be completed of all 241 custodians **on or before April 22, 2019**. In addition, the parties are **ORDERED** to continue providing discovery status reports to the Court. All discovery status reports should include an attachment providing a timeline of upcoming custodial file production deadlines (*see* Attachment "A" to Discovery Status Report as of April 10, 2019).

Bellwether Case Discovery Update: Defense counsel stated it intends to carbon-copy the PSC on its correspondence with local counsel to facilitate increased communication in Bellwether cases. The PSC did not object.

Motion to Compel Plaintiffs' Interrogatories: Defendants' First Motion to Compel Plaintiffs' Complete Responses to Interrogatories and Requests for Production of Documents was **DENIED** without prejudice. (ECF No. 118). The parties are **ORDERED** to meet and confer regarding the interrogatories. In addition, the parties are **ORDERED** to email the Court a status report of their progress on or before June 5, 2019.

CMO on Pathology Specimen Division in Bellwether Cases: The parties indicated they are developing a proposed CMO and will continue to meet and confer.

Scheduling: The next status conference was originally scheduled for June 5, 2019 at 1:30 P.M. Due to a scheduling conflict, the date will be changed and a Notice will issue forthwith.

IT IS SO ORDERED.

4-19-2019
DATE



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

4/19/2019
DATE



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE