

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

Judge Edmund A. Sargus, Jr.  
Magistrate Judge Kimberly A. Jolson

This document relates to:  
*Johns v. CR Bard et al*,  
Case No. 2:18-cv-01509

CASE MANAGEMENT ORDER NO. 27

Dispositive and *Daubert* Motions in *Johns*

On January 24, 2020, the Court selected *Johns v. CR Bard et al*, Case No. 2:18-cv-01509 as the first case that will be tried in this MDL. The trial in *Johns* will begin on May 11, 2020.

The parties are currently deposing expert witnesses. With a few exceptions, the depositions of Plaintiffs' expert witnesses will be completed by January 31, 2020. The depositions of Defendants' expert witnesses are scheduled in January, February, and the first week of March.

Pursuant to Case Management Order ("CMO") Nos. 20-A (and reiterated in CMO No. 25), the current deadline for dispositive motions and *Daubert* motions in *Johns* is February 3, 2020, the deadline for oppositions is February 21, 2020, and the deadline for replies is February 28, 2020.

In furtherance of the effective and efficient case management of this complex litigation, the Court revises the briefing schedule in *Johns* as set forth in this Order (pursuant to CMO No. 25, the deadlines in *Milanesi*, Case No. 2:18-cv-01320 and *Stinson*, Case No. 2:18-cv-01022 will be established by a future CMO). This Order supersedes the deadlines in CMO 20-A as to *Johns* as set forth below:

**A. DISPOSITIVE MOTIONS**

As set forth in CMO No. 20-A and CMO No. 25, the following deadlines will apply to motions for summary judgment in *Johns*:

| <u>Date</u>       | <u>Event</u>                                          |
|-------------------|-------------------------------------------------------|
| February 3, 2020  | Dispositive motions to be filed.                      |
| February 21, 2020 | Opposition papers to dispositive motions to be filed. |
| February 28, 2020 | Reply papers to dispositive motions to be filed.      |

**B. DAUBERT MOTIONS (Depositions Completed on or before January 24, 2020)**

For any expert witness (i) who was disclosed in *Johns*, and (ii) whose deposition is completed on or before January 24, 2020, the following briefing schedule shall apply:

| <u>Date</u>       | <u>Event</u>                                                                                                   |
|-------------------|----------------------------------------------------------------------------------------------------------------|
| February 3, 2020  | Deadline for filing of any <i>Daubert</i> or other motions concerning any expert (hereafter “expert motions”). |
| February 21, 2020 | Opposition papers to expert motions to be filed.                                                               |
| February 28, 2020 | Reply papers to expert motions to be filed.                                                                    |

**C. DAUBERT MOTIONS (Depositions Completed after January 24, 2020 and on or before January 31, 2020)**

For any expert witness (i) who was disclosed in *Johns*, and (ii) whose deposition is completed after January 24, 2020 and on or before January 31, 2020, the following briefing schedule shall apply:

| <u>Date</u>                             | <u>Event</u>                                                                                                   |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 10 days after completion of deposition. | Deadline for filing of any <i>Daubert</i> or other motions concerning any expert (hereafter “expert motions”). |
| 18 days after day motion was filed.     | Opposition papers to expert motions to be                                                                      |

|                                        |                                             |
|----------------------------------------|---------------------------------------------|
|                                        | filed.                                      |
| 7 days after day opposition was filed. | Reply papers to expert motions to be filed. |

**D. DAUBERT MOTIONS (Depositions Completed after January 31, 2020)**

For any expert witness (i) who was disclosed in *Johns*, and (ii) whose deposition is completed after January 31, 2020, the following briefing schedule shall apply:

| <u>Timing</u>                           | <u>Event</u>                                                                                                   |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 10 days after completion of deposition. | Deadline for filing of any <i>Daubert</i> or other motions concerning any expert (hereafter "expert motions"). |
| 12 days after day motion was filed.     | Opposition papers to expert motions to be filed.                                                               |
| 5 days after day opposition was filed.  | Reply papers to expert motions to be filed.                                                                    |

**IT IS SO ORDERED.**

1-30-2020  
DATE

  
EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE