

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: PARAGARD IUD	:	MDL DOCKET NO. 2974
PRODUCTS LIABILITY	:	1:20-MD-02974-LMM
LITIGATION	:	
	:	
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	

ORDER

After having reviewed the consolidated submission of applications and motion by Plaintiffs' counsel for appointment to Plaintiffs' Leadership Committee ("PLC"), discussing these issues with counsel in a videoconference, and finding that the coordinated recommendations present an array of highly skilled counsel with diverse backgrounds and experience which will provide the Court with an effective committee to advance this litigation in an efficient and just manner and for other good cause shown, the Court hereby appoints the following members to the PLC¹:

1. **Plaintiffs' Co-Lead Counsel.** Erin K Copeland and Timothy Clark shall serve as Co-Lead Counsel.

¹ Full names and contact information for each appointed member to PLC are contained on **Appendix A**, which is attached hereto and incorporated by reference.

2. **Plaintiffs' Liaison Counsel.** C. Andrew Childers shall serve as Plaintiffs' Liaison Counsel.
3. **Plaintiffs' Leadership Committees.** Further, this Court hereby appoints a Plaintiffs' Executive Committee and a Plaintiffs' Steering Committee ("PEC" and "PSC" respectively) which shall consist of the following attorneys, in addition to Lead and Liaison counsel set forth above:
 - a) **Plaintiffs' Executive Committee ("PEC").** Nicole Berg, Fidelma Fitzpatrick, Robert M. Hammers, Jr., Tim Porter, and Edward Wallace.
 - b) **Plaintiffs' Steering Committee ("PSC").** Christina Feller, Michael Galpern, Charles R. Houssiere, III, Jason Johnston, R. Andrew Jones, Robert Kinsman, Hunter Linville, Patrick Luff, Jon Mann, Buffy K. Martines, Tobias L. Millrood, Alfred Olinde, Justin Parafinczuk, Michelle Parfitt, Ruth Rizkalla, Marcus Susen, and Theinkim "Kim" Truong.²
4. The appointment of Co-Lead, Liaison, PEC, and PSC is of a personal nature. Accordingly, the above appointees cannot be substituted by other attorneys, including members of the appointee's law firm, to perform the committee's

² The size of the PSC was based in part on Counsel's representation to the Court that this MDL is likely to significantly increase in size.

exclusive functions, such as attending committee meetings and making court appearances, except with prior approval by the Court, as appropriate.

5. **Duties of Co-Lead Counsel.** It shall be Co-Lead Counsel's duty to coordinate the responsibilities of Liaison Counsel, the PEC and the PSC, in accordance with all responsibilities identified by the Court, schedule committee meetings as needed, keep minutes of these meetings, appear at periodic court noticed status conferences, and to perform other necessary substantive, administrative and logistical functions to ensure the functions of the committees are conducted in an efficient and professional manner. Co-Lead Counsel duties include conducting the litigation and coordinating the efforts of the PEC and PSC in conducting the litigation, including, but not limited to the following:
- a) Determining which committee attorneys are best suited to handle a given task, be it common corporate discovery, expert identification and retention, deposition preparation, motion practice, briefing, initial and/or bellwether trial(s), and other similar matters as the litigation progresses.
 - b) Calling meetings of counsel for plaintiffs, the PEC and/or the PSC for any appropriate purpose;
 - c) Exploring or designating other counsel to explore, develop, and pursue settlement options with Defendants on behalf of Plaintiffs.

- d) Directing and monitoring the activities of the PEC, the PSC and other co-counsel to ensure that schedules are met, unnecessary expenditures of time and funds are avoided, and that communications are made to the Court regarding efforts to reduce expenditures of time and funds as appropriate.
- e) Developing a system for tracking time and expense of the PEC, PSC, and liaison counsel and implementing policies and procedures where necessary to ensure that unnecessary expenditures of time and funds are avoided.

6. **Duties of the Plaintiffs' Executive Committee.** The Plaintiffs' Executive Committee members shall provide all necessary assistance to the Co-Leads to ensure the orderly, just and efficient resolution of issues in this MDL. In conjunction with and at the direction of the Co-Leads, the Plaintiffs' Executive Committee members shall perform other responsibilities (with the assistance of the Plaintiffs' Steering Committee, as needed), including:

- a) Initiating, coordinating, and drafting all master pleadings submitted on behalf of the Plaintiffs for all actions in this Court or that are transferred to this Court pursuant to 28 U.S.C. § 1407 related to Paragard.
- b) Initiating, coordinating, and conducting all pretrial discovery on behalf of all Plaintiffs who file actions in this Court or that are transferred to this Court pursuant to 28 U.S.C. § 1407 related to Paragard.

- c) Initiating, coordinating, and conducting the requisite meet and confers with Defendants on all matters pursuant to all Court Orders and as necessary for the pursuit of this litigation.
- d) Drafting and submitting any motions presented to the Court on behalf of all Plaintiffs, as well as oppose when necessary any motions submitted by the Defendant or third parties.
- e) Retaining and developing expert witnesses, as necessary, on issues relating to all Plaintiffs who file actions in this Court or that are transferred to this Court pursuant to 28 U.S.C. § 1407 related to Paragard.
- f) Participating in hearings and trials on behalf of Plaintiffs.
- g) Directing the activities of the PSC in conjunction with the Co-Leads when necessary and appropriate.
- h) Performing such other functions as may be expressly authorized by further orders of this Court or needed to further this litigation.
- i) Ensuring that unnecessary expenditures of time and funds are avoided in the performance of all committee tasks.

7. **Duties of the Plaintiffs' Steering Committee.** The Plaintiffs' Steering Committee members shall provide all necessary assistance to the Co-Leads and the Plaintiffs' Executive Committee to ensure the orderly, just and efficient

resolution of issues in this MDL in all matters described herein and other matters as shall be needed from time to time in this litigation. At all times, each PSC member shall ensure that unnecessary expenditures of time and funds are avoided in the performance of her or his PSC tasks.

8. **Duties of Plaintiffs' Liaison Counsel.** The responsibilities of Plaintiffs' Liaison Counsel, certain of which were identified in the Court's Practice and Procedure Order and Notice of Initial Conference (Doc. No. 5) and incorporated and adopted herein, shall be the following:

- a) Serving as the recipient for all Court Orders;
- b) Coordinating services and filings;
- c) Maintaining and distributing to co-counsel and to Defendants' counsel an up-to-date service list;
- d) Receiving and distributing pleadings, Orders, and motions;
- e) Maintaining and making available to all Plaintiffs' counsel of record, at reasonable hours, a complete file of all documents served by or upon each party (except where such documents may be available at a document depository that has been approved by Co-Lead Counsel);
- f) Making himself available for any telephone conferences convened by the Court and communicating the substance of any such telephone conference

to all other Plaintiffs' counsel in conjunction with Co-Lead Counsel, if necessary;

g) Carrying out any and all duties identified by the Court in its Practice and Procedure Order and Notice of Initial Conference (Doc. No. 5); and

h) Carrying out any such other duties as the Court may Order.

9. All communications from Plaintiffs with the Court should be through Co-Lead Counsel, Plaintiffs' Executive Committee Members (by designation of Co-Leads) and/or Liaison Counsel. If circumstances require direct correspondence with the Court by an individual counsel, copies of any said communications shall simultaneously be served upon Plaintiffs' Co-Lead Counsel and Liaison Counsel.

10. Nothing herein shall be construed to preclude Co-Lead Counsel from jointly agreeing to permit attorneys not appointed to the PEC and PSC from assisting with the conduct of this litigation so long as unnecessary expenditures of time and funds are avoided. If these attorneys are to provide material assistance, they must be under the supervision of attorneys appointed as Co-Lead Counsel or to the PEC or PSC unless notice to the Court of their involvement is provided.

11. Co-Lead counsel, the PEC, or any member of the PSC are not responsible for the filings, completing discovery, or any other issue or matter related only to an

individual plaintiff's case or claim. More specifically, Plaintiffs' Leadership Committee is in no way responsible for the attorney-client relationship and the duties and responsibilities each individual attorney or law firm owes to their clients in the prosecution of their individual clients.

12. It shall be the responsibility of all parties and their counsel to stay apprised of the litigation and to review and abide by all orders entered by the Court.

IT IS SO ORDERED.

Dated: February 18th, 2021



PRESIDING JUDGE