UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

)	MDL NO. 2753
IN RE:)	
)	MDL Docket No.
ATRIUM MEDICAL CORP. C-QUR MESH)	1:16-md-02753-LM
PRODUCTS LIABILITY LITIGATION)	
)	ALL CASES

PLAINTIFFS' AND DEFENDANT'S JOINT AGENDA FOR JULY 8, 2021 STATUS CONFERENCE

Now come the parties in the above-entitled multidistrict litigation and jointly submit the below report on the status of the litigation, in advance of the Status Conference to be held on July 8, 2021.

I. First Three Cases

Barron has been removed from the trial docket. The parties will submit a notice of dismissal no later than July 28, 2021, as directed by the Court. The parties are conferring on a trial date for *Luna* to propose to the Court. The parties have agreed that *Shumaker*, No. 1:17-cv-00741 should be the next case tried, after *Luna*, and will try the case at the Court's convenience. The parties request that the Court consult with them regarding any proposed trial date.

II. Pending Luna Motions

By order dated March 1, 2021, this Court directed the parties to either provide to the Court, no later than March 4, 2021, with stipulations regarding their *Daubert* motions to exclude each side's regulatory expert (Plaintiff's expert witness Pence, Defendant's expert witness Ulatowski) or to indicate that they have been unable to reach an agreement as to such. (*Luna* Dkt. 258.) On March 15, 2021, the parties stipulated that each would withdraw, without prejudice, their respective regulatory *Daubert* motion (*Luna* Dkts. 214 & 225) and propose a schedule for refiling the respective *Daubert* motions after the conclusion of *Barron*. (*Luna* Dkt. 261.) The Court

approved the parties' stipulation on March 22, 2021. Given the disposition of *Barron*, the parties

will confer and submit a proposal to the Court.

In addition, the parties' stipulation regarding motions in limine did not address Atrium's

Motion in Limine No. 5 in *Barron (Barron Dkts. 167 & 226)*, because it had not been ruled on by

the Court before the stipulation was agreed to. The parties will also confer regarding a proposal

to the Court regarding submission of a comparable motion to the Court in Luna.

III. **Outstanding Depositions**

The parties agreed to reserve depositions of family members (other than spouses who are

making claims) until such time as they are designated as trial witnesses.

IV. **Alternative Dispute Resolution**

The parties have continued to engage in good faith and productive dialogue.

V. **Outstanding Meet and Confer Issues**

The parties continue to meet and confer regarding various other matters, but none has

reached an impasse requiring court intervention.

Dated: July 1, 2021

Respectfully submitted,

/s/ Paul LaFata

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2021, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to all counsel of record.

/s/ Paul LaFata Paul LaFata