

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP,
BI-LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS
LITIGATION**

Misc. No. 21-mc-1230-JFC

MDL No. 3014

This document relates to:

All Cases

**JOINT NOTICE CONCERNING INVITATION OF
STATE COURT JUDGES TO SCIENCE DAY PRESENTATION**

Pursuant to this Court’s Text Entry Order of August 2, 2022 [Docket No. 671], Plaintiffs, through Plaintiffs’ Co-Lead Counsel, and Defendants Philips RS North America LLC (“Philips RS”), Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA, Inc., and Philips RS North America Holding Corporation (collectively, “Philips”) jointly submit this notice to inform the Court whether there are state court judges presiding over state court cases who should be invited to participate in Science Day on September 1, 2022.

As the undersigned counsel for Philips RS advised the Court at the July 21 Case Management Conference, the only pending state court case of which Philips is aware (other than small claims court cases or cases expected to be removed and transferred to this Court) is the case of *St. John v. Philips North America LLC et al.*, Civil Action No. 2022-1788 (Mass. Super. Ct., Middlesex County). On July 27, 2022, Justice Christopher Barry-Smith entered an Order granting a stay of proceedings in the *St. John* case for a period of six months. At the conclusion of the six month period, the parties are to submit a report on the status of this MDL, including the progress

of discovery, and the Court will address whether and to what extent the stay should continue to remain in place. A copy of the Court's Stay Order is attached as Exhibit A hereto.

The Parties have conferred and, notwithstanding the stay of *St. John*, have no objection to this Court inviting Justice Barry-Smith to attend Science Day.

Dated: August 8, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2022, the foregoing document was electronically filed with the Clerk of the Court and served upon counsel of record through the Court's ECF system.

/s/ John P. Lavelle, Jr.
John P. Lavelle, Jr.

EXHIBIT A

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

**SUPERIOR COURT
CIVIL ACTION
NO. 2022-1788**

CHRISTINE ST. JOHN AND DOUGLAS ST. JOHN,

Plaintiffs,

vs.

**PHILIPS NORTH AMERICA LLC; PHILIPS HOLDING USA, INC.;
AND PHILIPS RS NORTH AMERICA LLC,**

Defendants.

ORDER OF STAY

A hearing was held on July 26 2022, and I have carefully considered the parties' positions. Because this case alleging personal injury cannot be transferred to the Multi-District Litigation ("MDL") in Pittsburgh, I agree with plaintiffs that their case cannot fairly be stayed indefinitely, or until the completion of the MDL, which presumably will take several years. At the same time, from the perspective of judicial economy and reasonably directing the defendants' resources, it makes little sense for this court to address the wide scope of litigation issues, particularly discovery issues, that will be both complex and addressed in the MDL. Therefore, I will stay this civil action in all respects for six months, to and including January 27, 2023. The clerk will schedule a status conference on or near that date.

At least two days in advance of the status conference, counsel for defendants shall file a status report which provides at least the following information (without limitation to other information defendants believe to be helpful): i) status on MDL generally; ii) detailed status on MDL discovery, including any distinction concerning discovery directed at personal injury

claims (as distinct from economic loss or medical monitoring); and iii) status with respect to how the MDL expects to address personal injury claims, and the timeframe for doing so. After submitting the status report and prior to the conference, the parties shall confer and discuss whether certain aspects of this civil action should or may proceed, albeit in a manner that accounts for the MDL. I acknowledge the parties may have disparate views on that question, but they shall confer because I intend to consider that question at the conference. Finally, during this six-month period the court will monitor whether other non-removable actions against these defendants have been filed here.

SO ORDERED,

A handwritten signature in black ink, appearing to read 'C. Barry-Smith', is written over a horizontal line.

Christopher K. Barry-Smith
Justice of the Superior Court

DATED: July 27, 2022