

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

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

Master Docket: Misc. No. 21-01230

This Document Relates To:
All Actions

MDL No. 3014

JOINT NOTICE OF UPDATED TIMELINE OF PERTINENT MDL DATES

The parties jointly submit this updated timeline of upcoming deadlines in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigations* (MDL No. 3014).¹

Date	Event	ECF No.
3/8/2024	Defendants to File Responses to Remand Motions	2386
3/11/2024	Respironics' Motion to Dismiss the Amended Master Personal Injury Complaint ²	2491, 2520
3/21/2024	Economic Loss Class Action Settlement: Motion for Final Approval	2289
3/28/2024	Economic Loss Class Action Settlement: Response to Objections to Settlement	2289
4/8/2024	Plaintiffs to File Replies in Support of Remand Motions	2386
4/10/2024	Plaintiffs' Response to Respironics' Motion to Dismiss Amended Master Personal Injury Complaint	2491

¹ The Parties intend this notice to be a reference resource for the Court. The Parties do not intend this notice and the summaries of the deadlines to supersede the terms in the Court's orders.

² The deadline for the PolyTech Defendants to answer the Complaint is stayed pending further order of the Court following the Court's ruling on Respironics' motion. ECF No. 2520.

Date	Event	ECF No.
4/10/2024	Respironics' Supplemental Brief Addressing Respironics' Motion to Dismiss Second Amended Class Action Complaint for Medical Monitoring	2521, 2534
4/11/2024	Economic Loss Class Action Settlement: Final Fairness Hearing	2289
4/24/2024	Respironics' Reply in Support of Motion to Dismiss Amended Master Personal Injury Complaint	2491
4/30/2024	<p>Personal Injury Claims: Conclusion of general causation fact discovery.</p> <p>Medical Monitoring Class Action: Conclusion of all fact discovery related to class certification, including Party and non-party fact depositions.</p>	2355
5/28/2024	Plaintiffs' Supplemental Responsive Brief Addressing Respironics' Motion to Dismiss Second Amended Class Action Complaint for Medical Monitoring	2521, 2534
5/30/2024	<p>Personal Injury Claims: Plaintiff's Rule 26(a)(2) expert disclosures on general causation.</p> <p>Medical Monitoring Class Action: Plaintiffs' Rule 26(a)(2) expert disclosures relevant to class certification.</p>	2355
6/12/2024	Respironics' Supplemental Reply Brief Addressing Respironics' Motion to Dismiss Second Amended Class Action Complaint for Medical Monitoring	2521, 2534
7/30/2024	<p>Personal Injury Claims: Defendants' Rule 26(a)(2) expert disclosures on general causation.</p> <p>Conclusion of generally-applicable fact discovery, including Defendant and non-party depositions (this deadline does not include case-specific fact discovery).</p> <p>Medical Monitoring Class Action: Defendants' Rule 26(a)(2) expert disclosures relevant to class certification.</p>	2355
8/9/2024	Economic Loss Class Action Settlement: Claims Period Deadline	2289

Date	Event	ECF No.
8/30/2024	<p>Parties to submit stipulated or completing proposals for selection of individual bellwether personal injury cases.</p> <p>Plaintiffs' Rule 26(a)(2) rebuttal expert disclosures on general causation.</p> <p>Medical Monitoring Class Action: Plaintiffs' Rule 26(a)(2) rebuttal disclosures relevant to class certification.</p>	2355
10/30/2024	<p>Personal Injury Claims: Deadline to complete expert depositions on general causation.</p> <p>Medical Monitoring Class Action: Deadline to complete expert depositions relevant to class certification.</p>	2355
12/2/2024	<p>Personal Injury Claims: Deadline to file Rule 702/<i>Daubert</i> motions on general causation experts.</p> <p>Medical Monitoring Class Action: Deadline to file Rule 702/<i>Daubert</i> motions on class certification issues.</p>	2355
1/17/2025	<p>Personal Injury Claims: Deadline for Parties to file oppositions to Rule 702/<i>Daubert</i> motions on general causation experts.</p> <p>Medical Monitoring Class Action: Deadline to file Rule 702/<i>Daubert</i> oppositions on class certification issues.</p>	2355
2/18/2025	<p>Personal Injury Claims: Deadline for reply briefs on Rule 702/<i>Daubert</i> Motions on general causation.</p> <p>Medical Monitoring Class Action: Deadline to file reply briefs on Rule 702/<i>Daubert</i> motions on class certification issues.</p>	2355
3/2025 or 4/2025	<p>Personal Injury Claims: Potential hearing date on Rule 702/<i>Daubert</i> motions on general causation, subject to Court's scheduling</p> <p>Medical Monitoring Class Action: Potential hearing date for Rule 702/<i>Daubert</i> motions on class certification experts, subject to Court's scheduling</p>	2355

Pursuant to Pretrial Order #28 (ECF No. 783), the following procedures and deadlines apply to the Amended Master Personal Injury Complaint and Individual Short Form Personal Injury Complaints.

Date	Event
Within sixty (60) days of the date on which the Court issues a ruling as to its motion to dismiss the Amended Master Personal Injury Complaint ³	Deadline for Defendant to file a Master Answer to the Amended Master Personal Injury Complaint.
Within forty-five (45) days of the date on which the Court issues a ruling granting Plaintiffs' Co-Lead Counsel leave to amend the Amended Master Personal Injury Complaint	Deadline for Plaintiffs' Co-Lead Counsel to file a Second Amended Master Personal Injury Complaint
Within fourteen (14) days of filing a Short Form Complaint	Deadline for Personal Injury Plaintiffs to upload their Short Form Complaint to the online MDL Centrality System accessible at www.mdlcentrality.com/ pursuant to Pretrial Order # 27
Within twenty-one (21) days after service of the Master Answers to the Amended Master Personal Injury Complaint by Defendants	Deadline for any Personal Injury Plaintiff, who has filed a Short Form Complaint, to amend the same for any reason
Within twenty-one (21) days after service of Short Form Complaint	Deadline for any Personal Injury Plaintiff, who files a Short Form Complaint after the filing of the Master Answers to the Amended Master Personal Injury Complaint, to amend the same for any reason
Within twenty-one (21) days after selection for inclusion in the pool from which bellwether cases are to be selected	Deadline for any Personal Injury Plaintiff, whose case is subsequently chosen for inclusion in the pool from which bellwether cases are to be selected, to amend his or her Short Form Complaint

Date: February 28, 2024

Respectfully submitted,

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr.

Lisa C. Dykstra

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

/s/ Kelly K. Iverson

Kelly K. Iverson

LYNCH CARPENTER, LLP

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222

³ If a motion to dismiss the Amended Master Personal Injury Complaint does not result in the dismissal of the Amended Master Personal Injury Complaint in its entirety, and provided that the Court does not grant leave to amend the Amended Master Personal Injury Complaint.

Philadelphia, PA 19103-2921
T 215.963.5000
john.lavelle@morganlewis.com
lisa.dykstra@morganlewis.com

/s/ Wendy West Feinstein
Wendy West Feinstein
MORGAN, LEWIS & BOCKIUS LLP
One Oxford Center, 32nd Floor
Pittsburgh, PA 15219-6401
T 412.560.3300
wendy.feinstein@morganlewis.com

Counsel for Defendant Philips RS North America, LLC

/s/ Michael H. Steinberg
Michael H. Steinberg
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
T (310) 712-6670
steinbergm@sullcrom.com

/s/ Tracy Richelle High
Tracy Richelle High
William B. Monahan
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
T (212) 558-7375
hight@sullcrom.com
monahanw@sullcrom.com

Counsel for Defendants Koninklijke Philips NV, Philips North America LLC, Philips Holding USA Inc., and Philips RS North America Holding Corporation

/s/ Eric Scott Thompson
Eric Scott Thompson
FRANKLIN & PROKOPIK
500 Creek View Road, Ste. 502
Newark, DE 19711
302-594-9780
ethompson@fandpnet.com

(412) 322-9243 (phone)
kelly@lcllp.com

/s/ Christopher A. Seeger
Christopher A. Seeger, Esquire
SEEGER WEISS LLP
55 Challenger Road, 6th Floor
Ridgefield Park, NJ 07660
(973) 639-9100 (phone)
cseeger@seegerweiss.com

/s/ Sandra L. Duggan
Sandra L. Duggan, Esquire
LEVIN SEDRAN & BERMAN LLP
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500 (phone)
(215) 592-4633 (fax)
sduggan@lfsblaw.com

/s/ Steve A. Schwartz
Steve A. Schwartz
CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP
361 West Lancaster Avenue
One Haverford Centre
Haverford, PA 19041
(610) 642-8500 (phone)
steveschwartz@chimicles.com

Plaintiffs' Co-Lead Counsel

/s/ D. Aaron Rihn
D. Aaron Rihn, Esquire
ROBERT PEIRCE & ASSOCIATES, P.C.
707 Grant Street
Suite 125
Pittsburgh, PA 15219
412-281-7229
412-281-4229 (fax)
arihna@peircelaw.com

Plaintiffs' Co-Liaison Counsel

*Counsel for Polymer Technologies, Inc. and
Polymer Molded Products, LLC*