

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

**AMENDED CASE MANAGEMENT
ORDER NO. 1**

(Applies to All Actions)

In Case Management Order No. 1, issued September 19, 2023, the Court appointed Plaintiffs' leadership for a term of one year. Doc. 41. The Court directed Plaintiffs' Co-Lead Counsel to file a memorandum notifying the Court of the need to make further appointments and making recommendations regarding those appointments thirty days before the expiration of the one-year term. *Id.* at 8. Plaintiffs' Co-Lead Counsel have filed the memorandum. Doc. 1129.

The Court has reviewed the memorandum and issues this Amended Case Management Order No. 1 for the appointment of individuals to Plaintiffs' leadership in this MDL for a term of one year, from September 19, 2024 to September 18, 2025.

I. Plaintiffs' Leadership Counsel Appointments.

The Court, having considered the applications submitted and other relevant information, appoints the following plaintiffs' counsel to leadership positions, as indicated, and to be known as "Plaintiffs' Leadership Counsel":

Plaintiffs' Co-Lead Counsel	
Adam M. Evans	Dickerson Oxton, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Rebecca Phillips	Lanier Law Firm 10940 W. Sam Houston Pkwy. N., Ste. 100 Houston, TX 77064
Michael Sacchet	Ciresi Conlin, LLP 225 S. 6th St., Ste. 4600 Minneapolis, MN 55402

Plaintiffs' Executive Committee ("PEC")/Liaison Counsel	
Steve German (Liaison Counsel/Local Counsel in Arizona)	Scout Law Group 11201 N. Tatum Blvd., Ste. 110 Phoenix, AZ 85028
Michael Galpern (NJ State Court Liaison)	Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins PC 1000 Haddonfield Berlin Rd., Ste. 203 Voorhees, NJ 08043
Anne Schiavone	Holman Schiavone, LLC 4600 Madison Ave., Ste. 810 Kansas City, MO 64112
Stuart Ratzan	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133
Danielle Rogers	Langdon & Emison 911 Main St. Lexington, MO 64067
Larry Taylor	The Cochran Firm – Dallas, PLLC 1825 Market Center Blvd., Ste. 500 Dallas, TX 75207
Thomas Cartmell	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112
Alex Barlow	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731

Tom Pirtle	Laminack, Pirtle & Martines 5020 Montrose Blvd. Houston, TX 77006
Shanon Carson	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
Roman Balaban	Balaban Law LLC 8055 East Tufts Ave., Ste. 325 Denver, CO 80237
Gabe Assaad	McDonald Worley 1770 St. James Pl., Ste. 100 Houston, TX 77056

Plaintiffs' Steering Committee ("PSC")	
Bradley Leger	Leger Ketchum & Cohoon, PLLC 10077 Grogan's Mill Rd., Ste. 325 The Woodlands, TX 77380
Chelsea Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
Jenniffer Elwell	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
Brian Tadtman	Woodworth Law Firm, LLC 7200 W. 132 nd St., Ste. 320 Overland Park, KS 66213
Jose Rojas	Levin, Rojas, Camassar & Reck, LLC 40 Russ St. Hartford, CT 06106
Aaron Dickey	Dickey Anderson, LLC 1104 Moorlands Dr. St. Louis, MO 63117
Robert Brown	Robert Brown Law 3225 Aviation Ave., Ste. 101 Miami, FL 33133
Jakob Norman	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715

Ryan Cavanaugh	Constant Legal Group, LLP 737 Bolivar Rd., Ste. 440 Cleveland, OH 44115
Doug Monsour	Monsour Law Firm 404 N Green St Longview, TX 75601
Jon Conlin	Cory Watson, P.C. 2131 Magnolia Avenue South Birmingham, AL 35205
Mark O'Connor	Beus O'Connor McGroder PLLC 701 N. 44th St. Phoenix, AZ 85008
Megan Odom	Ciresi Conlin, LLP 225 S. 6th St., Ste. 4600 Minneapolis, MN 55402
Howard Nations	The Nations Law Firm 9703 Richmond, Suite 200 Houston, TX 77042

II. Responsibilities.

A. Procedural Matters.

1. As noted in this Court's previous Order Setting Initial Case Management Conference dated August 22, 2023 (Doc. 7), the Clerk of this Court will maintain a Master Docket case file under the style "*In Re: Bard Implanted Port Catheter Products Liability Litigation*" and the identification "MDL No. 3081." Plaintiffs' Lead/Liaison Counsel will be (a) the only attorneys permitted to file in the Master Docket as to all actions, and (b) the only attorneys receiving Notices of Electronic Filing for pleadings and orders filed in the Master Docket for all actions.

2. With regard to the Master Docket, Plaintiffs' Lead/Liaison Counsel shall:
- Serve as the recipients for all Court orders.
 - Coordinate service and filings for all plaintiffs whether presently included or subsequently added to this MDL.

- c. Maintain and distribute to co-counsel and to Defendants' Counsel an up-to-date service list.
- d. Maintain responsibility for service upon all other attorneys and parties as to filings made in the Master Docket. Specifically, Lead/Liaison Counsel shall receive and distribute, to all other Plaintiffs' counsel, pleadings, orders, and motions by email, overnight courier service, or telecopier, within two days after receipt, unless such service has been waived, in writing, by a receiving counsel.
- e. Coordinate discovery and litigation with similar cases outside of this Court's jurisdiction.

3. Lead/Liaison Counsel is only responsible for service with regard to filings in the Master Docket. With regard to case-specific filings, all attorneys of record in the relevant member action will receive a Notice of Electronic Filing from the Court.

4. New counsel for later-filed or later-transferred cases that become part of this MDL shall be responsible for checking the Master Docket for all orders previously entered that may have relevance to such new cases.

B. Responsibilities Specific to Lead/Liaison Counsel.

In addition to the responsibilities identified above, Plaintiffs' Lead/Liaison Counsel shall:

1. Coordinate the establishment of a document depository, real or virtual, to be available to all participating plaintiffs' counsel;
2. Maintain and make available to all participating plaintiffs' counsel of record, at reasonable hours, a complete file of all documents served by or upon each party (except documents as may be available at a document depository);
3. Prepare agendas for court conferences and periodically report regarding the status of the case; and
4. Carry out such other duties as the Court may order.

C. Responsibilities Applicable to all Plaintiffs' Leadership Counsel.

Plaintiffs Leadership Counsel shall have the following responsibilities:

1. Discovery

- a. Initiate, coordinate, and conduct all pretrial discovery on behalf of plaintiffs in all actions consolidated in this MDL.
- b. Develop and propose schedules for the commencement, execution, and completion of all discovery on behalf of all plaintiffs.
- c. Cause to be issued in the name of all plaintiffs the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the trial of relevant issues found in the pleadings of this litigation.
- d. Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of all plaintiffs.

2. Hearings and Meetings

- a. Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules or joint briefs, and any other appropriate matters pertaining to pretrial proceedings.
- b. Examine witnesses and introduce evidence on behalf of plaintiffs at hearings.
- c. Act as spokespersons for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

3. Miscellaneous

- a. Submit and argue all verbal and written motions presented to the Court on behalf of Plaintiff's Leadership Counsel as well as oppose, when necessary, any motion submitted by defendants or other parties

1 which involve matters within the sphere of the responsibilities of
2 Plaintiffs' Leadership Counsel.

- 3 b. Negotiate and enter into stipulations with defendants regarding this
4 litigation. All stipulations entered into by Plaintiffs' Leadership
5 Counsel, except for strictly administrative details, must be submitted
6 for Court approval and will not be binding until ratified by the Court.
7 Any MDL plaintiffs' attorney not in agreement with a non-
8 administrative stipulation shall file with the Court a written objection
9 within five (5) days after he/she knows or should have reasonably
10 become of aware of the stipulation. Failure to object within this time
11 shall be deemed a waiver and the stipulation will be binding on that
12 party.
- 13 c. Explore, develop, and pursue all settlement options pertaining to any
14 claim or portion thereof of any case filed in this litigation.
- 15 d. Maintain adequate files of all pretrial matters, including establishing
16 and maintaining a document or exhibit depository, in either real or
17 virtual format, and having those documents available, under
18 reasonable terms and conditions for examinations by all MDL
19 plaintiffs or their attorneys.
- 20 e. Perform any task necessary and proper for Plaintiffs' Leadership
21 Counsel to accomplish its responsibilities as defined by the Court's
22 orders, including organizing subcommittees comprised of plaintiffs'
23 lawyers not on Plaintiffs' Leadership Counsel.
- 24 f. Work with Lead/Liaison Counsel to coordinate the responsibilities of
25 Plaintiffs' Leadership Counsel meetings, keep minutes or transcripts
26 of these meetings, appear at periodic Court-noticed status
27 conferences, perform other necessary administrative or logistic
28

functions of Plaintiffs' Leadership Counsel, and carry out any duty as ordered by the Court.

g. Perform other such functions that may be expressly authorized by further Court Orders.

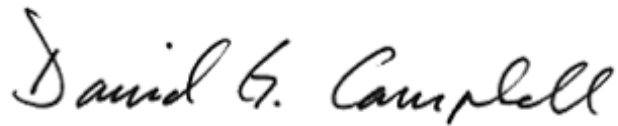
D. Reimbursement of Costs Expended.

Plaintiffs' Leadership Counsel shall be entitled to seek reimbursement for costs expended at the time and in a manner approved by the Court. Reimbursements are governed by a further case management order proposed by Plaintiffs' Leadership Counsel and entered by the Court.

III. Term of Appointments.

Appointments to leadership positions in this order shall last for a term of **one year**, from **September 19, 2024** to **September 18, 2025**. **Thirty days** before the expiration of this one-year term, Lead/Liaison Counsel shall file a memorandum notifying the Court of the need to make further appointments and making recommendations regarding those appointments.

Dated this 20th day of August, 2024.



David G. Campbell
Senior United States District Judge