

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC. / C.R. BARD,
INC. POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to ALL CASES.

CASE MANAGEMENT ORDER NO. 1
Addressing Preliminary Issues and Setting an Initial Status Conference

This matter was transferred from the MDL Panel to this Court on August 2, 2018. The Court herein addresses preliminary matters and schedules the first status conference.

Case caption and case numbers. The Clerk has assigned Southern District of Ohio case numbers to the cases listed in Schedule A of the Transfer Order. (ECF No. 1.) The Clerk is **DIRECTED** to assign a Southern District of Ohio case number to any case that is subsequently added to this MDL action by the MDL Panel, and to consolidate any such case into Case No. 2:18-md-2846.

The parties are **DIRECTED** to caption every filing in this litigation as follows:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC. / C.R. BARD,
INC. POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
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This document relates to ____.

When a pleading or other court document is intended to apply to all actions, the words “ALL ACTIONS” must appear in the case caption in the line next to the words “This document relates to” as set forth above. When a pleading or other court document is intended to apply to one or some, but not all cases governed by this Order, the party filing the document must indicate the actions to which the document is intended to apply in the case caption next to the words “This document relates to” as set forth above.

Status Conferences. The Court will schedule monthly status conferences. The parties are **DIRECTED** to confer and email the Court, no later than two business days prior to a conference, an agenda of issues to be addressed. Emailed agendas should be sent to:

Sargus_Chambers@ohsd.uscourts.gov

Counsel should not use the agendas to present arguments. Rather, proposed agendas should set forth any issues that the parties would like to discuss with the Court. After each status conference, the Court will issue an Order memorializing any issues addressed and resolutions reached during a status conference.

The Court further **SCHEDULES** the first status conference for **Wednesday, September 5, 2018, at 10:00am EST** to be held in person in Room 310 of the United States District Court, Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

Electronic Filing. All counsel must register for electronic filing with the court pursuant to S.D. Ohio Civ. R. 83.5(b). Counsel should register on-line at:

<http://www.ohsd.uscourts.gov/attorney-registration-form>

A log-on and password for electronic filing will be sent shortly after registering. The Court will serve all notices and Orders on counsel electronically. Additional information regarding electronic filing can be found at the Court’s Electronic Case Filing page:

<http://www.ohsd.uscourts.gov/cm-ecf-button2>

If counsel experiences problems registering, he or she should call Eduardo Rivera at (614) 719-3015.

Applicable Procedural Rules. Except as otherwise provided herein or by further order of this Court, the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Southern District of Ohio shall govern all further proceedings in this litigation. Accordingly, and unless otherwise ordered by this Court, the parties shall adhere to the default briefing schedule outlined in S.D. Ohio Civ. R. 7.2.

Pending Motions and Matters. Any scheduling orders and pending deadlines in any individual cases that are part of this MDL are hereby **VACATED**. The Court will address scheduling issues at the first status conference and issue a scheduling order shortly thereafter.

Counsel. The Court appoints as interim plaintiffs steering committee (“PSC”) co-lead counsel Kelsey Stokes of the law firm Fleming, Noal & Jez, L.L.P., and Timothy O’Brien of the law firm Levin, Papantino, Thomas, Mitchell, Rafferty & Proctor, P.A. The Court further intends to appoint as interim plaintiffs steering committee liaison counsel David Butler of the law firm of Taft Stettinius & Hollister L.L.P. The Court understands that Defendants will designate Michael K. Brown and Eric L. Alexander of the law firm of Reed Smith LLP as their lead counsel and William D. Kloss, Jr., of the law firm of Vorys, Sater, Seymour and Pease LLP as their liaison counsel.

The Court further **DIRECTS** the PSC interim co-leads and Defendants’ lead counsel to meet and confer on proposed agenda items for the initial status conference on September 5, 2018. Counsel should email a joint proposed agenda to the Court at least two business days prior

to the first status conference. That proposed agenda should include a list of those who will attend the first status conference.

Any objections to this Order must be filed within **ten (10) days** of the date of this Order.


IT IS SO ORDERED.

8-17-2018
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE

8/17/2018
DATE



KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE