

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COVIDIEN HERNIA MESH
PRODUCTS LIABILITY LITIGATION
NO. II,

This Document Relates To:

All Cases

MDL No. 1:22-md-03029-PBS

[PROPOSED] CASE MANAGEMENT ORDER NO. 1

The Court herein addresses preliminary matters and the agenda for the initial status conference on August 17, 2022.

The Court appoints as interim Plaintiffs' Steering Committee ("PSC") co-lead counsel Kelsey Stokes of the law firm Fleming, Nolen & Jez, LLP, and Timothy O'Brien of the law firm Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr & Mougey, P.A. The Court further appoints as interim Plaintiffs' Steering Committee Liaison Counsel Walter Kelley of the law firm Bernheim Kelley Battista & Bliss, LLC. The Court understands that Defendants¹ will designate Joseph Petrosinelli of the law firm Williams & Connolly LLP and Loren H. Brown of the law firm DLA Piper LLP as their Lead Counsel and Jessica C. Wilson of the law firm DLA Piper LLP as their Liaison Counsel.

Counsel for the interim PSC and Defendants have met and conferred and propose the following agenda for the initial status conference:

¹ Not all named defendants have been served in all cases. Medtronic plc, Sofradim Production SAS, and Sofradim Corp., which are named defendants in some of the complaints, are foreign corporations that have not been served yet in most cases. The interim PSC and Defendants are discussing a stipulation that would result in dismissal of some of the named defendants in return for streamlining service as to other defendants. No defendant is waiving its right to contest personal jurisdiction in the courts in which it has been sued.

1. **Procedural Orders.** The parties are in the process of meeting and conferring on procedural orders for the Court's consideration, including a Stipulated Confidentiality and Protective Order, ESI Protocol, Proposed Direct Filing Order, Proposed Scheduling Order and Proposed Plaintiffs and Defendants Profile Form.

2. **Pleadings.** The parties are in the process of meeting and conferring on a proposal regarding pleadings, including filing master complaints or representative complaints, and responsive pleadings.

3. **Plaintiffs' Leadership.** The interim PSC will inform the Court about a proposed leadership structure.

4. **Science/Case Information Day.** The parties seek the Court's guidance on whether a science/case information day, at which the Court would be presented with an overview of the key medical and scientific issues in the litigation either by experts or by counsel, would be beneficial.

5. **Other State Court Litigations.** Defendants will inform the Court about the status of hernia mesh coordinated proceedings in Massachusetts and Minnesota state courts.

SO ORDERED.

Hon. Patti B. Saris
United States District Judge

CERTIFICATE OF SERVICE

I, Jessica C. Wilson, certify that on August 16, 2022 a true and correct copy of the foregoing document was served on all counsel of record by filing it with the Court's Nextgen CM/ECF system.

/s/ Jessica C. Wilson

Jessica C. Wilson