

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

IN RE:

**ATRIUM MEDICAL CORP. C-QUR MESH
PRODUCTS LIABILITY LITIGATION**

)
) **MDL NO. 2753**
)

) **MDL Docket No.**
) **1:16-md-02753-LM**
)

) **ALL CASES**
)

**ORDER REGARDING SELECTION OF PLAINTIFFS
FOR TRIAL AND MISCELLANEOUS PRE-TRIAL MATTERS**

On November 14, 2019, the Court held a case management conference in this MDL. Having considered the joint proposal of the parties regarding the selection of plaintiffs for trial and certain other pre-trial matters, it is hereby ORDERED as follows:

I. Expert Deadlines

In the agenda for the October 10, 2019, status conference, the parties jointly proposed extending the Defendants' deadlines to serve expert reports and related deadlines, to allow for the more efficient completion of expert discovery. In light of the parties' agreement, and good cause being shown for the extension, the Court hereby orders that the following deadlines set forth in Case Management Order 3H (as amended) be extended as follows:

Prior Date	New Date	CMO 3H Event
Friday October 25, 2019	Monday November 25, 2019	Defendants' expert disclosures and reports shall be served. (Dkt. 638 ¶ 5.2.)
Thursday November 21, 2019	Monday December 23, 2019	Rebuttal reports by plaintiffs' experts shall be served. (Dkt. 638 ¶ 5.2.)
Thursday January 2, 2020	Thursday January 16, 2020	All expert discovery for the Trial Pool Cases shall be completed. (Dkt. 638 ¶ 5.2.)
Thursday January 16, 2020	Thursday January 30, 2020	Dispositive or Daubert motions shall be filed. (Dkt. 638 ¶ 5.4.)
Thursday January 30, 2020	Thursday March 2, 2020	Responses to dispositive or Daubert motions shall be filed. (Dkt. 638 ¶ 5.4.)

Prior Date	New Date	CMO 3H Event
Thursday February 6, 2020	Monday March 9, 2020	Replies in support of dispositive or Daubert motions shall be filed. (Dkt. 638 ¶ 5.4.)

II. Selection of First Trial Cases

On July 15, 2019, the parties selected the following trial pool cases:

1. Barron, Carrie, Case No. 1:17-cv-00742-LM (by Plaintiffs),
2. Hicks, Daniel, Case No. 1:17-cv-00070-LM (by Plaintiffs),
3. Luna, Martha, Case No. 1:16-cv-00372-LM (by Plaintiffs),
4. Newell, Robert, Case No. 1:17-cv-00250-LM (by Plaintiffs),
5. Petersen, Michael, Case No. 1:18-cv-00212-LM (by Defendants),
6. Vollmar, Amy, Case No. 1:17-cv-00704-LM (by Defendants),
7. Hickinbottom, Juanita, Case No. 1:17-cv-00713-LM (by Defendants),
8. Shumaker, Joseph, Case No. 1:17-cv-00741-LM (by Defendants).

In Case Management Order 3H, the Court directed “the parties to submit . . . a memorandum in support of their proposed manner of trial, order of selection of plaintiffs for trial, and timing of trial(s).” (Dkt. 638 ¶ 5.3.) The Court “encouraged [the parties] in making selections for Discovery Pool and Trial Pool cases to select cases that will be representative of all filed cases in order that the process of selection and trial will be a helpful process for evaluation of the entire docket of cases for trial and resolution of the entire docket of cases.” (Dkt. 638 ¶ 5.8.)

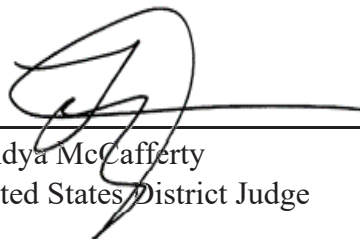
The parties have conferred and have proposed a process that they submit will help narrow the trial pool cases to two cases. Consistent with the parties’ agreement, each side is permitted to strike one case from among the trial pool cases by notifying Lead Counsel for the other side by January 30, 2020. The case struck will not be dismissed, but it will not be eligible to be the first or second case tried. From the remaining trial pool cases each side will select one case, which will

be eligible to be the first or second case tried, by notifying Lead Counsel for the other side of their selection on January 31, 2020.

The first case tried on May 20, 2020, shall be limited to a single case (that is, a single plaintiff and his or her spouse, if applicable). The parties shall attempt to reach agreement on the first case to be tried (between the two cases selected by the parties), the manner of trial (e.g., length of trial), and the timing of the trial of the second case to be tried (which shall be the remaining case of the two cases selected by the parties). On February 7, 2020, the parties shall submit a report to the Court indicating those matters as to which agreement has been reached and setting forth their positions as to all matters where agreement was not reached.

If agreement is not reached on the first case to be tried, the Court will select from the two cases chosen by the parties, and will address other matters of disagreement, on or before February 28, 2020.

IT IS SO ORDERED.



Landya McCafferty
United States District Judge

December 17, 2019

cc: All counsel of record