

**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. 16-md-2753-LM
ALL CASES**

PROCEDURAL ORDER

On October 23, 2018, the court held a monthly status conference with the parties. In their joint agenda for the conference, the parties described five issues to be addressed:

- Status of depositions;
- Requests for Admission Concerning Historical Exemplars;
- Privilege Log for Notebook of Getinge AB 30(b)(6) designee, Peter Hjalmarson;
- Procedure for Handling Voluntary Dismissals by Bellwether Discovery Pool Plaintiffs;
- Plaintiffs' Motion to Strike.

On the evening before the status conference, plaintiffs emailed a letter to the court's case manager, requesting that the court add a sixth item to the agenda:

- Getinge AB's Sale of its Mesh Business.

With regard to the first item, the status of depositions, the parties merely advised the court as to the progress of scheduling depositions. They did not request court intervention. The court summarizes its informal rulings during the conference on each of the disputed issues below:

1. Requests for Admission Concerning Historical Exemplars

The parties' dispute centered around Atrium Medical Corporation's ("Atrium") responses to six requests for admission—Requests 4, 5, 6, 7, 8, and 9—in Plaintiffs' First Request for Admissions. During the status conference, defendants agreed that Atrium would respond to Requests 4 and 6.

Based on the parties' submissions and their positions as stated during the status conference, the court's inclination is to require Atrium to respond to Requests 5, 7, 8, and 9. To the extent defendants wish to pursue a formal litigation on the issue, as is allowed under Case Management Order No. 3, they may file a notice with the court on or before 5:00 p.m. on October 26, 2018. Counsel shall thereafter propose a jointly-agreed-to briefing schedule.

2. Privilege Log for Notebook of Getinge AB 30(b)(6) designee, Peter Hjalmarson

Based on the parties' submission and their positions as stated during the status conference, the court's inclination is to find that defendants' privilege log with regard to Peter Hjalmarson's notebook is sufficient. To the extent plaintiffs wish to pursue a formal litigation on the issue, they may file a notice with the court on or before 5:00 p.m. on October 26, 2018. Counsel shall thereafter propose a jointly-agreed-to briefing schedule.

3. Procedure for Handling Voluntary Dismissals by Bellwether Discover Pool Plaintiffs

With regard to the voluntary dismissal of one of defendants' selections for Bellwether Discovery Pool Plaintiffs, defendants may select a substitute plaintiff. Counsel shall confer and agree as to the date by which such a selection shall be made. To the extent the issue arises in the

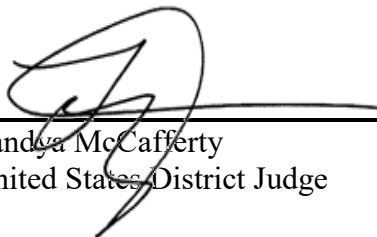
future, the court will determine at that time whether substitution of a bellwether plaintiff is necessary.

4. Plaintiffs' Motion to Strike/Getinge AB's Sale of its Mesh Business

The parties were able to reach an agreement before the conference concerning their disputes regarding plaintiffs' motion to strike and the effect of plaintiffs learning of Getinge AB's recent sale of its mesh business on the parties' briefing schedule. As discussed during the status conference, the court will determine whether a hearing is necessary on plaintiffs' motion to strike after briefing is completed. Defendants have agreed to produce certain documents to plaintiffs concerning Getinge AB's sale of its mesh business. The deadlines for responsive briefing regarding Getinge AB's motion to dismiss for lack of personal jurisdiction is extended as follows:

- Plaintiffs' objection to Getinge AB's motion is due on or before November 20, 2018;
- Getinge AB's reply to plaintiffs' objection is due on or before December 7, 2018.

SO ORDERED.



Landya McCafferty
United States District Judge

October 23, 2018

cc: Counsel of Record