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UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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IN RE: ATRIUM MEDICAL CORP. *
 C-QUR MESH PRODUCTS LIABILITY * No. 16-md-02753-LM
 LITIGATION * April 18, 2019
 * 2:05 p.m.
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 * * * * *

TRANSCRIPT OF STATUS CONFERENCE

BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

APPEARANCES:
(Via telephone)

For the Plaintiffs: Jonathan D. Orent, Esq.
 Motley Rice, LLC

Susan A. Lowry, Esq.
 Upton & Hatfield, LLP

Anne W. Schiavone, Esq.
 Holman Schiavone, LLC

For the Defendants: Katherine Armstrong, Esq.
 Dechert LLP

Enjolie D. Aytch, Esq.
 Akerman, LLP

Pierre A. Chabot, Esq.
 Wadleigh, Starr & Peters, PLLC

Court Reporter: Brenda K. Hancock, RMR, CRR
 Official Court Reporter
 United States District Court
 55 Pleasant Street
 Concord, NH 03301
 (603) 225-1454

P R O C E E D I N G S

1
2 THE COURT: Hello, Counsel. This is Judge McCafferty,
3 and we've got our court reporter here and my law clerk and a
4 couple of interns.

5 This, for the docket, is In Re: Atrium Medical Corp.
6 C-Qur Mesh Products Liability Litigation, and it is MDL Docket
7 Number 16-md-02753-LM, and we are here for the April 18 status
8 conference.

9 I have looked at the Joint Agenda, and it doesn't
10 appear to contain much in the way of disputes that I need to
11 resolve.

12 And what I think I'll do is go ahead and let counsel,
13 lead counsel, introduce themselves, spell your last name for
14 our court reporter; and if you do end up speaking during the
15 conference identify yourself before you begin speaking so the
16 court reporter knows who is speaking; and if you would mute
17 your phones and under no circumstances put your phone on hold.

18 Okay. So, let's identify ourselves for the court
19 reporter, and then we'll get through the status conference I
20 think fairly swiftly.

21 Go ahead, Attorney Orent.

22 MR. ORENT: Good afternoon, your Honor. Jonathan
23 Orent for the plaintiffs.

24 MS. LOWRY: Attorney Susan Lowry for the plaintiffs.

25 MS. SCHIAVONE: Anne Schiavone for the plaintiffs.

1 MS. AYTCH: Good afternoon. Attorney Enjolique Aytch,
2 A-y-t-c-h, for the defendants.

3 MS. ARMSTRONG: Good afternoon. Katherine Armstrong
4 for defendants.

5 MR. CHABOT: Good afternoon. Attorney Chabot for the
6 defendants, C-h-a-b-o-t.

7 THE COURT: All right. It appears as though that is
8 everyone. So, I am looking at the agenda, and Item I you're
9 placing on the record certain information, and Items I-A and
10 I-B. Is there anything else that needs to be added to that for
11 the record?

12 MR. ORENT: Your Honor, Jonathan Orent for the
13 plaintiffs. Just that we have, since the time of the filing of
14 this, received dates for a number of the individuals that were
15 unscheduled. So, I just wanted to advise the Court that the
16 loop has been closed on some but not all of those folks. So,
17 we're making progress there as far as I-A goes.

18 THE COURT: All right. Excellent.

19 All right. Item Agenda Number II, Pending Motions.
20 It appears as though on Item II-A there's some dispute about
21 plaintiffs' intent to use expert witnesses with respect to the
22 personal jurisdiction argument, and it seems as though perhaps
23 you're going to be able to work that issue out, and that seems
24 like one that counsel should be able to work out without me
25 getting involved, and that is my hope.

1 II-B, those are the list of pending motions, and those
2 are being worked on as we speak.

3 And Item Agenda III are a list of your outstanding
4 meet-and-confer issues. With respect to 1 -- I understand
5 III-1, III-2. As soon as you do file a formal motion and
6 formalize the new deadlines, the Court will favorably entertain
7 that joint motion.

8 And then the questioning at physician depositions. It
9 appears, III-3, you have worked that out to your satisfaction,
10 which is good. And then you continue to meet and confer, which
11 is also good.

12 Is there anything else under Agenda Item III that
13 anyone needs to put on the record?

14 MS. ARMSTRONG: Your Honor, this is Katherine
15 Armstrong. I just want to back up, if I could, to Item II-A,
16 the Pending Motions. On the issue of the expert witnesses, I
17 think where we are is that we have reached some agreements on
18 timing, but as to the issue of whether they should be allowed
19 to designate experts or not, we do not have agreement on them,
20 and we've exchanged initial position papers. I think
21 plaintiffs in our schedule still are able to submit a reply
22 paper to us.

23 But what we would like to do is, once we have the
24 exchange of position papers completed, to submit those to the
25 Court and request a hearing on the issues, if the Court desires

1 to have a hearing.

2 THE COURT: Okay. All right. Well, hopefully, this
3 will be worked out by counsel. I, obviously, don't know the
4 specifics, but I can recall generally that when this issue was
5 raised with respect to the defendants' experts, the Court
6 wasn't particularly impressed with the need for expert
7 witnesses, but the Court wasn't going to exclude the expert
8 witnesses; and I think, all things being equal, my guess is I
9 would permit plaintiffs to use experts as well, even though I
10 don't think there's a great need for experts on either side.

11 But, again, I'm not in the weeds on II-A. My hope is
12 that the parties will be able to work that issue out.

13 So, anything else under II or III?

14 MR. ORENT: Not for the plaintiffs, your Honor.

15 THE COURT: Defense?

16 MS. ARMSTRONG: Not for defendants, your Honor.

17 THE COURT: Well, this was a fairly swift status
18 conference.

19 So, it looks like we've got dates, I think, in June
20 for the hearing; is that right?

21 MS. ARMSTRONG: Your Honor, we think the dates are
22 going to be different depending upon how this expert issue is
23 resolved.

24 THE COURT: All right. Then, I'm jumping the gun. I
25 thought there was some sort of agreement that this hearing

1 would take place in June, but, if not, sometime in August, I
2 think. But I'm sure you'll let me know what date you've agreed
3 among yourselves, as well as with Donna, so we will hopefully
4 get it on schedule relatively soon.

5 All right. Anything further?

6 MR. ORENT: Not for the plaintiffs, your Honor.

7 MS. ARMSTRONG: Not for defendants, your Honor.

8 THE COURT: Excellent. All right. I will speak to
9 you at the next status conference. Thank you all. Court is
10 adjourned.

11 (WHEREUPON, the proceedings adjourned at 2:13 p.m.)

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C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Court Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription. Of my stenotype notes taken in the matter of In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation, No. 16-md-02753-LM.

Date: 4/26/19


BRENDA K. HANCOCK, CRR, RMR
OFFICIAL COURT REPORTER