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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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IN RE: ATRIUM MEDICAL CORP. *
C-QUR MESH PRODUCTS LIABILITY * 16-md-02753-LM
LITIGATION * July 12, 2018
* 2:05 p.m.
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TRANSCRIPT OF TELEPHONE CONFERENCE
BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

APPEARANCES:

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

Russell F. Hilliard, Esq.
Susan A. Lowry, Esq.
Upton & Hatfield, LLP

David Selby, II, Esq.
Bailey & Glasser, LLP

Brandon L. Corl, Esq.
Holman Schiavone, LLC

For the Defendants: Enjolique D. Aytch, Esq.
Diane O. Fischer, Esq.
Akerman, LLP

APPEARANCES CONTINUED:

For the Defendant:

Pierre A. Chabot, Esq.
John E. Friberg, Esq.
Wadleigh, Starr & Peters, PLLC

Court Reporter:

Susan M. Bateman, LCR, RPR, CRR
Official Court Reporter
United States District Court
55 Pleasant Street
Concord, NH 03301
(603) 225-1453

1 P R O C E E D I N G S

2 THE COURT: Hello, counsel. This is Judge
3 McCafferty.

4 MR. ORENT: Good afternoon.

5 MR. HILLIARD: Good afternoon.

6 THE COURT: Okay. We've got multiple voices. Let
7 me just for the record, for the court reporter, state the
8 name of the case, and then we'll have everybody introduce
9 themselves for the record.

10 The case is In Re: Atrium Medical Corp. C-Qur Mesh
11 Products Liability Litigation, MDL docket number
12 16-md-02753-LM, all cases.

13 All right. So this is our status conference.

14 And let me go ahead and just have people who are
15 not lead counsel mute their phones. Do not put your phone on
16 hold, however, so if you would mute it. If you do need to
17 speak, you can unmute your phone obviously, but for purposes
18 of this let's only have lead counsels' phones unmuted.

19 So let's start now with plaintiffs' counsel and
20 then we'll go to defense counsel.

21 MR. HILLIARD: Your Honor, good afternoon. Russ
22 Hilliard, liaison counsel for the plaintiffs.

23 THE COURT: Good afternoon.

24 MR. ORENT: Good afternoon, your Honor. Jonathan
25 Orent for the plaintiffs.

1 THE COURT: Good afternoon.

2 Good afternoon to everybody.

3 MR. SELBY: David Selby on behalf of the
4 plaintiffs.

5 THE COURT: I do like that southern accent when we
6 add that to the mix. All right. Now I guess we'll --

7 MS. LOWRY: Your Honor, I'm sorry.

8 THE COURT: Were there more defendants --
9 plaintiffs? I'm sorry.

10 MS. LOWRY: Yes. I apologize. Susan Lowry is also
11 here for the plaintiffs, your Honor.

12 THE COURT: All right. And defense counsel.

13 MS. AYTCH: Good afternoon, Enjolique Aytch,
14 A-Y-T-C-H, for the defendants.

15 MS. OCARIZ: Rebecca Ocariz, O-C-A-R-I-Z.

16 MR. CHABOT: Good afternoon. Pierre Chabot and
17 Jack Friberg for the defendants.

18 MS. FISCHER: And Dee Dee Fischer for the
19 defendants.

20 THE COURT: Okay. I think that's everybody.
21 Anybody else?

22 MR. CORL: Your Honor, Brandon Corl here on behalf
23 of Anne Schiavone from Holman Schiavone for the plaintiffs.

24 THE COURT: Okay. All right. Thank you.
25 Do you need his last name?

1 Okay. Our court reporter can get that after.

2 MR. CORL: Okay.

3 THE COURT: All right. I'm looking at document No.
4 768, the joint agenda for today's status conference.

5 Let me just bring up the first issue, and it's not
6 on the agenda but it's our next month status conference.

7 I am gone that week and so I'm wondering if we
8 could do it the following Thursday, August 16th, or some
9 other mutually agreeable time to counsel that you could
10 schedule with Attorney Esposito, but if we can all agree that
11 we could just move it to the next Thursday, we could do that
12 now.

13 What's your thought on that, Attorney Orent,
14 Attorney Aytch?

15 MR. ORENT: Your Honor, I'm just trying to very
16 quickly look at the deposition schedule in this case, and I
17 don't believe that there's anything already on, so that would
18 work for plaintiffs.

19 MS. AYTCH: Same for the defendants, your Honor.

20 THE COURT: So we could just move it to the next
21 Thursday, August 16th.

22 Attorney Esposito is listening to the call I know
23 somewhere, and so she is going to put this in the calendar.
24 I know she's watched my calendar so I can only assume that
25 that date is good for myself as well. So we will go ahead

1 then and move it to August 16th.

2 Now, the agenda only has two items, and reading the
3 agenda my thought would be this will be a very fast, swift
4 status conference.

5 The first item on the agenda just involves me
6 approving of an attached proposed order with regard to the
7 immunity against transient jurisdiction, and there was really
8 basically I think a rather small amendment to that.

9 Is everybody in agreement the Court should approve
10 that?

11 MR. ORENT: We are, your Honor, in agreement.

12 THE COURT: Okay. All right.

13 Then that moves us to agenda item number 2,
14 requested ESI depositions. I haven't heard anything else or
15 any further disputes about this.

16 Did plaintiffs receive the requested information or
17 otherwise reach agreement on these depositions?

18 MR. ORENT: We have, your Honor. We've received
19 quite a bit of information from defendants. We are in the
20 process of going through it to identify and make sure it is
21 exactly what we were looking for. At first blush it does
22 appear to be so.

23 So we agreed with defendants to table the motions,
24 and so while the issue does have leverage on both sides at
25 this point we are holding the issue in abeyance while we

1 continue to work with defendants on this issue.

2 THE COURT: Excellent. All right. I assume if I
3 hear nothing from defense counsel, there's nothing really to
4 add or subtract.

5 So is there anything further we need to discuss
6 today?

7 MR. ORENT: Not from the plaintiffs, your Honor.

8 Although I would just note, your Honor, next week
9 are the first depositions in this case that will be going
10 forward.

11 THE COURT: Okay.

12 MR. ORENT: So just that update, but otherwise
13 there's nothing from the plaintiffs.

14 THE COURT: Attorney Aytch.

15 MS. AYTCH: This is Ms. Aytch for the defendants.

16 On that vein, we do have the first deposition next
17 week. We're still in the process of meeting and conferring
18 concerning an issue with regard to that deposition but hope
19 to be able to resolve it. If not, we'll submit something to
20 Ms. Esposito for just a quick expedited hearing, but we're
21 working toward resolution on that.

22 THE COURT: Okay. Excellent. Well, this is nice.
23 Is there anything further?

24 MR. ORENT: No, again -- actually just again one
25 other final piece, and actually maybe this is a question,

1 your Honor.

2 Under the bellwether scheduling order we are to
3 exchange bellwethers on the 20th. I don't recall offhand
4 that there was a formal filing required with the Court with
5 the exchange. Would the Court like a letter from the
6 parties, a joint letter advising her of the identities of the
7 bellwethers, or is there some format that the Court would
8 like that in? That's the only other thing that
9 housekeeping-wise could come to my mind.

10 THE COURT: Attorney Aytch?

11 MS. AYTCH: I had not thought of that, but I think
12 that that's a great issue, and we're fine with however the
13 Court would like us to submit that to the Court.

14 THE COURT: Well, I would be fine with the two of
15 you coming up with a process you both agree on and I will
16 adopt that process, so in terms of letting me know the
17 bellwethers and how you're picking those.

18 It sounds like you're making progress and the case
19 is on its way.

20 Thanks to everybody. If there's nothing further,
21 then the Court is adjourned.

22 MR. ORENT: Thank you, your Honor.

23 MS. AYTCH: Thank you, your Honor.

24 THE COURT: Thank you, counsel.


25 (Conclusion of conference at 11:10 a.m.)

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C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 7-19-18


SUSAN M. BATEMAN, LCR, RPR, CRR
LICENSED COURT REPORTER, NO. 34
STATE OF NEW HAMPSHIRE