

**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 September 25, 2017, the court held a telephonic status conference on the record in this case. For the reasons stated on the record, the court orders the following:

1. Short Form Complaint

Paragraph 4.4 of Case Management Order No. 3 ("CMO 3") provides, in pertinent part, as follows:

In addition to a Master Complaint, the parties shall jointly file a Short Form Complaint, which refers to and adopts the Master Complaint. Once the Master Complaint is approved, individual plaintiffs will use a Short Form Complaint to initiate their case and to assert the counts of the Master Complaint, as well as any additional causes of action that plaintiff asserts. Individual plaintiffs who have previously filed complaints in this MDL will be ordered to file a Short Form Complaint within 60 days of entry of the Master Complaint.

CMO 3 ¶ 4.4. On April 14, 2017, plaintiffs filed their Master Long Form Complaint. See doc. no. 53. On June 12, 2017, the court approved the Master Complaint, and set a deadline of August 11, 2017, for individual plaintiffs who had previously filed complaints in the MDL to file a Short Form Complaint.

As of September 25, individual plaintiffs in the following cases who had previously filed complaints in the MDL have not filed a Short Form Complaint:

- 17-cv-2770-LM – McLain v. Atrium et al.
- 16-cv-2760-LM – Cole v. Atrium et al.

- 17-cv-214-LM – Haynes v. Atrium et al.
- 17-cv-236-LM – Dodds v. Atrium et al.

On or before October 19, 2017, individual plaintiffs in these cases shall file a Short Form Complaint in accordance with CMO3. Plaintiffs who do not file a Short Form Complaint on or before that date shall appear at the following monthly status conference to explain their failure to comply with CMO 3. Failure to appear may result in dismissal of these plaintiffs' cases.

2. In-Person Appearance at Monthly Status Conference

At least five business days prior to a monthly status conference, counsel shall notify the court's Case Manager if any attorney intends to appear at the conference in person.

3. Status Conference Transcripts

A transcript is prepared of each status conference. See CMO 3 ¶ 2.1. Local Rule 4.2(f) of the Supplemental Rules for Electronic Case Filing provides, in relevant part:

For a period of ninety (90) days following the filing of an original transcript, only Filing Users who purchased an original or a copy of the transcript will be permitted remote Internet access to the transcript through PACER. The public may review, but may not copy or reproduce, the transcript in the clerk's office in paper format or in electronic format at public terminals during this initial ninety (90) day period. At the conclusion of this initial ninety (90) day period, unless extended by court order, the public will be permitted to copy or reproduce the transcript in the clerk's office and will be permitted remote Internet access to the transcript through PACER.

In light of the number of parties in this action, the court modifies the restrictions imposed by Rule 4.2(f) for purposes of this case. Going forward, for 90 days following the filing of the original transcript, all parties in this MDL will be permitted remote Internet access to the transcript through PACER.¹ Following the conclusion of the ninety-day period, the public will

¹ The court anticipates that counsel for either plaintiffs or defendants shall request an original transcript after each status conference and that these transcripts will be a common fund expense. To the extent any party objects to that procedure, it may raise that objection at the monthly status conference.

be permitted remote Internet access to the transcript through PACER, and the transcript shall be included on the MDL page on the court's website (<http://www.nhd.uscourts.gov/atrium-medical-corp-c-qur-mesh-products-liability-litigation>).

SO ORDERED.



Landya McCafferty
United States District Judge

September 28, 2017

cc: All counsel of Record