

**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 April 19, 2018, the court held a monthly status conference with the parties. In their joint agenda for the conference (doc. no. 581), the parties described six issues to be addressed:

- Proposed Bellwether Case Management Order.
- Status of Depositions.
- Immunity against Transient Jurisdiction for Getinge AB Designees.
- Procedure for Objecting to Depositions in Their Entirety.
- Briefing Schedule for Forthcoming Motion to Dismiss Based on Lack of Personal Jurisdiction.
- Motion to Compel.

The court summarizes its discussion with the parties on each issue during the status conference.

1. Proposed Bellwether Case Management Order

The parties stated in their joint agenda that they have exchanged drafts and continue to work together to finalize a proposal to submit to the court within two weeks regarding bellwether guidelines as well as pretrial and trial dates for bellwether cases selected. The parties asserted

during the status conference that they continue to make progress in finalizing a proposal and do not require court intervention at this time.

2. Status of Depositions

The parties stated in their joint agenda that plaintiffs have noticed or requested the depositions of several individuals and that defendants have an objection to the depositions of two individuals: Johan Malmquist and Jens Viebke. The parties asserted in their joint agenda that the parties are addressing defendants' objection prior to seeking court intervention, and they confirmed during the status conference that they do not require the court's assistance at this time.

3. Immunity against Transient Jurisdiction for Getinge AB Designees

The parties stated in their joint agenda that defendants seek protection in the form of process immunity for unrelated cases and a protective order in this MDL where plaintiffs may seek to obtain so-called "tag" or "transient" jurisdiction upon Getinge AB by serving its corporate representatives while they are in the United States for their depositions on issues relating to the jurisdictional dispute. With plaintiffs' assent, defendants submitted a proposed protective order concerning that issue. The court approved the proposed protective order and it has been docketed as document no. 596.

4. Procedure for Objecting to Depositions in Their Entirety

The parties proposed in their joint agenda a procedure for the parties to follow when they object to a deposition request or notice in its entirety. The court adopts the parties' proposal as set forth in ¶ 4 of document no. 581.

5. Briefing Schedule for Forthcoming Motion to Dismiss Based on Lack of Personal Jurisdiction

The parties stated in their joint agenda that plaintiffs have requested an extension of the jurisdictional discovery deadline and that they are discussing a proposed briefing schedule for the related Motion to Dismiss Based on Lack of Personal Jurisdiction. In advance of the status conference, the parties emailed the court's case manager with specific proposed dates regarding both of these issues. The court approved the parties' proposal during the status conference, and the revised deadlines are as follows:

- Jurisdictional Discovery Deadline: July 16, 2018
- Briefing Schedule for defendants' motion to dismiss based on lack of personal jurisdiction:
 - Defendants to file motion to dismiss on or before August 16, 2018
 - Plaintiffs to file opposition on or before September 17, 2018
 - Defendants to file reply, if necessary, on or before October 1, 2018
 - Plaintiffs to file surreply, if necessary, on or before October 15, 2018

6. Motion to Compel

The parties stated in their joint agenda that they continue to work to resolve plaintiffs' pending motion to compel (doc. no. 545). Plaintiffs indicated during the status conference that defendants' agreement to stipulate to certain facts and produce certain documents may moot the motion to compel. Therefore, the court will hold in abeyance its ruling on the motion to compel

and the parties shall advise the court on whether they have resolved the motion to compel on or before the date of the next scheduled status conference.

SO ORDERED.



Landya McCafferty
United States District Judge

April 20, 2018

cc: All Counsel of Record