

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

**IN RE: ATRIUM MEDICAL CORP. C-QUR
MESH PRODUCTS LIABILITY LITIGATION**

This relates to: All Cases

MDL NO. 2753

**MDL Docket No.
1:16-md-02753-LM**

PLAINTIFFS' UNOPPOSED MOTION TO STAY MDL PROCEEDINGS

Plaintiffs hereby move the Court to stay all proceedings in this MDL pending final resolution of issues with respect to the parties' recently executed Master Settlement Agreement. This Motion is unopposed.

For the reasons detailed in the memorandum in support filed herewith, Plaintiffs respectfully request the Court enter an order staying all proceedings in this MDL pending resolution of final issues regarding the Master Settlement Agreement. In the unlikely event that final resolution is not reached, the parties shall promptly inform the Court.

Dated: December 9, 2021

Respectfully submitted,

/s/ Jonathan D. Orent, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2021, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this action.

Respectfully submitted,

/s/ Jonathan D. Orent

Jonathan D. Orent

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1:16-md-02753-LM

**PLAINTIFFS’ MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION TO STAY
MDL PROCEEDINGS**

Plaintiffs hereby move the Court to stay all proceedings in this MDL pending final resolution of issues with respect to the parties’ recently executed Master Settlement Agreement pursuant to Fed. R. Civ. P. , 1, 2 , and this Court’s inherent powers, including to manage its docket in the interests of economy of time and resources. This Motion is unopposed.

Following the parties’ recently executed Master Settlement Agreement, certain auxiliary triggers remain to be addressed and resolved before final resolution of this MDL can be reached and completed. This stay is necessary to conserve the resources of the Parties as well as those of the Court, allowing the parties to focus their efforts on these final remaining issues for MDL-wide resolution of this action. In the unlikely event that final resolution is not timely reached, the parties shall promptly inform the Court.

A. The Court Has Authority to Grant the Unopposed Requested Stay.

This Court is conferred with the inherent power to manage its docket by staying proceedings. *See*, e.g., *United States v. ...*, 2019-1-CV-00792-P, 2020 WL 142943, at *2 (D. Mass. Mar. 24, 2020). *See* also *United States v. ...*, 2019-1-CV-00792-P, 2020 WL 142943, at *2 (D. Mass. Mar. 24, 2020). Courts have inherent power to manage their dockets and stay proceedings. *See* *United States v. ...*, 2019-1-CV-00792-P, 2020 WL 142943, at *2 (D. Mass. Mar. 24, 2020). The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and

effort for itself, for counsel, and for litigants. *Id.*, 299 U.S. 248, 254, 57 S. Ct. 13, 14, 81 L. Ed. 153-193.

A stay is appropriate, like here, where it is likely to conserve judicial and party time, resources, and energy. *See* *Trinity Church v. City of New York*, No. CI 13-12418-DJC, 2014 WL 4804738, at 2 (D. Mass. Sept. 25, 2014). This may include like circumstances, where the parties have engaged in settlement discussions, and seek a stay pending final resolution of attendant issues. *See* *United States v. United States District Court*, No. 07-CV-7184, 2008 WL 548772, at 4-5 (D. Ill. Feb. 20, 2008), *aff'd*, 2008 WL 11814 (7th Cir. Feb. 28, 2008). *See* *United States v. Microsoft Corp.*, No. 2:11-cv-482, 2012 WL 78487, at 4 (D. Ind. June 1, 2012) (quoting Fed. R. Civ. P. 16(b) (“When an act may or must be done within a specified time the court may, for good cause, extend the time....” Fed. R. Civ. P. 16(e)). *See* *United States v. United States District Court*, 523 U.S. 574, 598 (1998) (citing Fed. R. Civ. P. 26 vesting Court with authority to limit and control the scope, sequence and timing of discovery).

B. Good Cause Exists to Grant the Unopposed Requested Stay.

In this December, 2021, the parties have now entered into a Master Settlement Agreement in anticipation of MDL-wide resolution. The Parties are in the process of resolving final issues pertaining to the global settlement but require time to do so, including to address and resolve certain triggers related thereto. This unopposed Motion does not seek a stay in bad faith, to unduly burden any party or the Court or cause unnecessary delay, but to support the efficient, fair and expeditious resolution of this MDL. Granting the stay under these circumstances will preserve the time and resources of the Court, counsel, and all Parties hereto, promote judicial economy and effectiveness, and provide counsel an opportunity to resolve any final issues without additional litigation expenses for their clients.

EREFORE, Plaintiffs respectfully request that the Court enter a stay of all activity in this MDL pending resolution of final remaining issues related to the parties' Master Settlement Agreement.

Dated: December 9, 2021

Respectfully submitted,

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