

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: C.R. BARD, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL 2187

THIS DOCUMENT RELATES TO THE COVIDIEN
WAVE 1 CASES AND OTHER CASES DESCRIBED
BELOW

**PRETRIAL ORDER # 228
(Second Amended Docket Control Order – Covidien Wave 1 Cases)**

Pretrial Order # 222 (Docket Control Order – Covidien Wave 1 Cases) set deadlines for case development in cases listed on Exhibits A, B and C, the Covidien Wave 1 Cases. It is **ORDERED** that PTO # 222 is briefly **STAYED** until further order of the court. Since the entry of PTO # 222 (as modified by PTO # 224), I have determined that some of the cases designated in Covidien Wave 1 name other defendants, including C. R. Bard, Inc. (“Bard”), Boston Scientific Corp., Coloplast Corp., American Medical Systems, Inc. or Ethicon, Inc., among others.

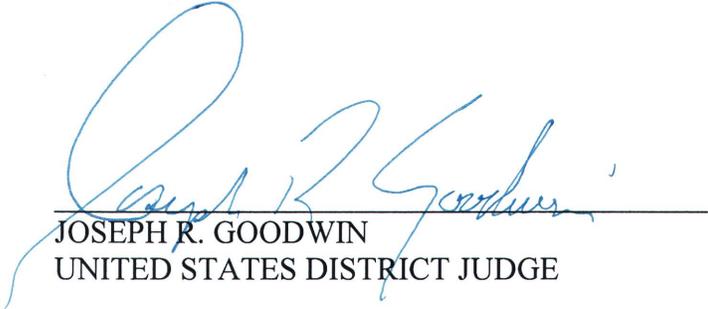
I **FIND** that cases naming or involving only Bard *and* Covidien LP (“Covidien”), Sofradim Production SAS (“Sofradim”) and/or Tissue Science Laboratories Limited (“TSL”) (collectively referred to as the “Covidien entities”) should be worked up in a wave. Cases naming or involving defendants other than Bard and the Covidien entities should be removed. Leadership counsel for plaintiffs in Bard and counsel for Bard and the Covidien entities are directed to work together to determine the cases from Exhibits A, B and C attached to PTO # 222 that should be included in a wave, as well as any other cases in the Bard MDL, and provide a list to the court via email on or before **November 9, 2016**.

The court notes that many cases on the original exhibits attached to PTO # 222 at Exhibits A and B have entered into the settlement phase. I expect counsel for the individual plaintiffs and counsel for the Covidien entities to continue to work towards submitting inactive docket orders and joint dismissal orders as to these cases.

Finally, this PTO does not change the requirements of PTO ##s 220, 223 and 227 related to mandatory settlement conferences in certain cases scheduled to begin November 9, 2016.

The court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-2187 and in the Covidien Wave 1 cases. In cases subsequently filed in this district after 2:16-cv-10236, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: November 2, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE