

**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 ALL **UNRESOLVED** CASES
IN THE BARD MDL ALLEGING CLAIMS AGAINST
COVIDIEN LP, SOFRADIM PRODUCTION SAS AND
TISSUE SCIENCE LABORATORIES LIMITED

PRETRIAL ORDER # 220
(Order re: Mandatory Settlement Conference for
Remaining Covidien LP, Sofradim and TSL Plaintiffs)

For reasons appearing to the court, it is **ORDERED** as follows:

1. Counsel for all plaintiffs who have alleged claims against Covidien LP¹ (“Covidien”), Sofradim Production SAS² (“Sofradim”) and/or Tissue Science Laboratories Limited³ (“TSL”) and whose cases have not been resolved (i.e. dismissed with or without prejudice or placed on an inactive docket), and are not subject to an agreement in principle to resolve, are directed to meet and confer with Mr. Joe Petrosinelli⁴, settlement counsel for Covidien,

¹ Covidien LP includes any incorrect or incomplete spellings of this Defendant, as well as any improperly named affiliates of this defendant, including Covidien Holding, Inc., Covidien Inc., Covidien Incorporated, Covidien International Finance, SA, Covidien LLC, Covidien Ltd., Covidien Trevoux, SCS, Covidien plc, Covidien, Inc., Covidien, LLC, and Covidien, PLC, Tyco Healthcare Group LP, TYCO Healthcare, Tyco Healthcare Group, L.P., Tyco International Ltd, United States Surgical Corporation, United States Surgical Corp., Floreane Medical Implants SA, Floreane Medical Implants, SA, Mareane, SA, Mareane SA, Medtronic PLC, Medtronic International Technology, Inc., Medtronic MiniMed, Inc., Medtronic Puerto Rico Operations Co., Medtronic Sofamor Danek USA, Inc., Medtronic Sofamor Danek, Inc., USA, Inc., Medtronic USA, Inc., Medtronic, Inc. and Medtronic, Inc.

² Sofradim Production SAS includes any incorrect or incomplete spellings of this Defendant, including Sofradim Corporation, Sofradim Corp., Sofradim Production, and Sofradim Production, SAS.

³ Tissue Science Laboratories Limited includes any incorrect or incomplete spelling of this Defendant, including Tissue Sciences Laboratories, Tissue Science Laboratories Ltd., Tissue Science Laboratories, Inc., Tissue Science Laboratories, Limited and Tissue Science Laboratories, Ltd.

⁴ Mr. Petrosinelli may be reached at (202)434-5547 or at jpetrosinelli@wc.com.

Sofradim and TSL on or before **October 13, 2016**, and to engage in good faith discussions about the possibility of settlement. Counsel may also contact Mr. Henry Garrard or Mr. Derek Potts, coleads of the Bard MDL, regarding coordination of settlement discussions with Covidien/Sofradim/TSL.⁵

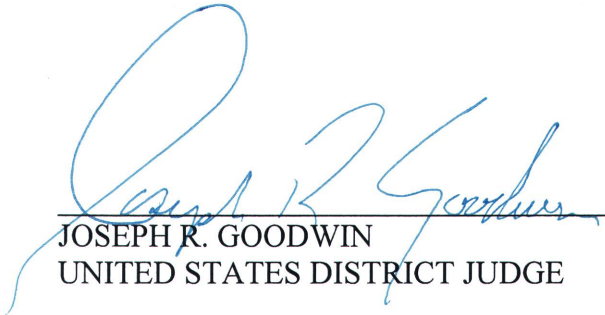
2. Messrs. Garrard, Potts and Petrosinelli are directed to provide a joint written report to the court via email on **October 18, 2016**, as to which Covidien/Sofradim/TSL cases remaining in the Bard MDL, if any, have not been resolved or dismissed.
3. In all cases that have not been resolved or dismissed by **October 18, 2016**, the court will conduct settlement conferences in Charleston, West Virginia at the Robert C. Byrd United States Courthouse, Room 7800 beginning at **9:00 a.m.** on **October 25, 2016**, and continuing from day-to-day thereafter. Parties should come prepared for evening work.
4. The court will enter an order on **October 19, 2016**, identifying the cases wherein a settlement conference will be conducted.
5. Individual plaintiffs whose cases are scheduled for a settlement conference shall appear in person for the settlement conference with counsel.
6. Any plaintiff who fails to comply with this PTO may be subject to a substantial sanction, including dismissal with prejudice.
7. Cases not settled during the settlement conference will be dealt with by further order.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-2187 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:16-cv-08159. In cases subsequently filed in this district, a copy of the most recent pretrial order will

⁵ Mr. Garrard may be reached at (706)354-4000 or hgg@bbgbalaw.com. Mr. Potts may be reached at (713)963-8881 or dpotts@potts-law.com.

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: August 29, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE