

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 No. 2187

THIS DOCUMENT RELATES TO THE CASES IDENTIFIED
ON THE EXHIBIT ATTACHED HERETO:

SHOW CAUSE ORDER

On September 11, 2018, the court entered an Order directing the plaintiffs identified on Exhibit A to meet and confer with settlement counsel for defendant C.R. Bard, Inc. (“Bard”) on or before October 3, 2018. *See* Pretrial Order (“PTO”) # 293. I also notified certain parties by Bard PTO # 294 that for the cases that did not settle during these negotiations, I would conduct settlement conferences on November 7-9, 2018. *See* PTO # 294.

Pursuant to PTO # 294, on October 11, 2018, I directed the parties and their counsel of record to appear in person at the Robert C. Byrd United States Courthouse for a Mandatory Settlement Conference scheduled between November 7-9, 2018. *See* PTO # 294. Again, I warned that any failure to comply with this directive may result in a substantial sanction, including the dismissal of their case with prejudice.

Despite these warnings, the plaintiffs identified on Exhibit A (attached hereto¹) failed to comply with PTO # 293 and PTO # 294, including failing to appear

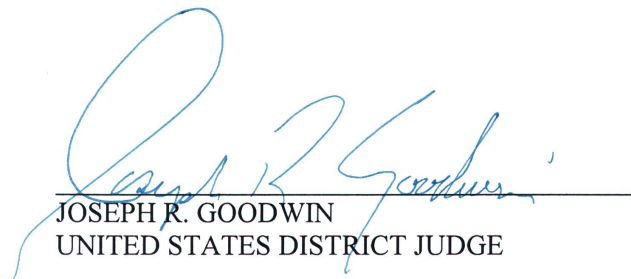
¹ One case on Exhibit A, 2:16-cv-10794, was improperly filed as a multi-plaintiff case. Certain of those plaintiffs who did not appear are identified on Exhibit A with their last name in parenthesis.

in person at the Mandatory Settlement Conference as directed. Nothing in the record suggests that the plaintiffs identified on Exhibit A believed in good faith that they were relieved from the obligation to attend the Mandatory Settlement Conference.

The court **ORDERS** that plaintiffs identified on Exhibit A show cause on or before December 10, 2018, why their case show not be dismissed **with prejudice** pursuant to Rule 16(f) of the Federal Rules of Civil Procedure for failure to attend the Mandatory Settlement Conference as directed in PTO # 293 and PTO # 294. The court further **ORDERS** that where plaintiff is represented, counsel for each plaintiff listed on Exhibit A notify each plaintiff he or she represented of this Order, and counsel shall preserve evidence of compliance with this Order. If plaintiffs identified on Exhibit A do not show cause on or before December 10, 2018, the court will, either by motion or on its own accord, dismiss such cases with prejudice pursuant to Rule 16(f) of the Federal Rules of Civil Procedure.

The Court **DIRECTS** the Clerk to file a copy of this order in *In re: C.R. Bard, Inc., Pelvic Repair Products Liability Litigation, 2:10-md-2187* and in each individual case listed on Exhibit A attached. The court further **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party, and to post a copy of this Order on the court's website for 30 days at www.wvsd.uscourts.gov.

ENTER: November 9, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

| Count | Civil Action Number | Case Name |
|-------|---------------------|--|
| 1 | 2:16-cv-11706 | Barker v. CR Bard |
| 2 | 2:15-cv-12866 | Brown v. C.R. Bard, Inc., et al |
| 3 | 2:13-cv-04365 | Caldwell v. C. R. Bard, Inc. |
| 4 | 2:13-cv-03882 | Clark v. C. R. Bard, Inc. |
| 5 | 2:16-cv-11876 | Fogle v. CR Bard |
| 6 | 2:13-cv-31855 | Gerrish v. C.R. Bard, Inc. |
| 7 | 2:16-cv-11884 | Guerrero v. CR Bard |
| 8 | 2:13-cv-07141 | Lamb v. C. R. Bard, Inc. |
| 9 | 2:13-cv-18332 | Lord et al v. CR Bard et al |
| 10 | 2:14-cv-08488 | Moloski et al v. C. R. Bard, Inc., et al |
| 11 | 2:15-cv-11502 | Mosel v. C.R. Bard, Inc. |
| 12 | 2:13-cv-07780 | Nelson, et al v. C. R. Bard, Inc. |
| 13 | 2:14-cv-27454 | Pace et al v. BSC et al |
| 14 | 2:13-cv-11541 | Perkins v. C.R. Bard, Inc. |
| 15 | 2:13-cv-09953 | Plowman et al v. C. R. Bard, Inc. |
| 16 | 2:14-cv-03707 | Reed v. C. R. Bard, Inc. |
| 17 | 2:14-cv-06930 | Rivera v. C. R. Bard, Inc. |
| 18 | 2:15-cv-02291 | Setts-Bader v. C.R. Bard, Inc. |
| 19 | 2:13-cv-02910 | Vance v. C. R. Bard, Inc. |
| 20 | 2:16-cv-11916 | Velez v. CR Bard |
| 21 | 2:16-cv-11920 | Wick v. CR Bard |
| 22 | 2:16-cv-10794 | Wittman, et all v. C.R. Bard, Inc., et al (Frey) |
| 23 | 2:16-cv-10794 | Wittman, et all v. C.R. Bard, Inc., et al (Petris) |
| 24 | 2:16-cv-10794 | Wittman, et all v. C.R. Bard, Inc., et al (Riedesel) |
| 25 | 2:16-cv-10794 | Wittman, et all v. C.R. Bard, Inc., et al (Whah) |