

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

CHARLESTON DIVISION

IN RE: C. R. BARD, INC.
PELVIC REPAIR SYSTEMS
PRODUCT LIABILITY LITIGATION

MDL No. 2187

THIS DOCUMENT RELATES TO ALL CIVIL CASES
IN WAVE 1 AND 2, AND SPECIFICALLY TO:

Atwell-Jackson v. C.R. Bard, Inc.	2:13-cv-07787
Barner, et al. v. C.R. Bard, Inc.	2:11-cv-00055
Bosse v. C.R. Bard, Inc.	2:13-cv-02349
Campbell, et al. v. C. R. Bard, Inc.	2:11-cv-00501
Carter v. C. R. Bard, Inc.	2:11-cv-00121
Gold, et al. v. C. R. Bard, Inc.	2:14-cv-11565
Havanick v. C. R. Bard, Inc.	2:12-cv-02312
Hill v. C. R. Bard, Inc.	2:12-cv-01074
McKinstry, et al. v. C. R. Bard, Inc.	2:12-cv-00017
Pennington, et al. v. C. R. Bard, Inc.	2:11-cv-00010
Poole, et al. v. C. R. Bard, Inc.	2:13-cv-07925
White v. C. R. Bard, Inc.	2:11-cv-00234

PRETRIAL ORDER # 172

(Defendant C.R. Bard, Inc.'s Motion to Compel Documents and Testimony
From Plaintiffs' Expert Bernd Klosterhalfen)

Pending before the court in all Wave 1 and Wave 2 cases is C.R. Bard, Inc.'s Motion to Compel Documents and Testimony from Plaintiff's Expert Bernd Klosterhalfen, M.D. (ECF No. 1355). The motion was also filed in the following individual cases and has the docket numbers indicated below:

<i>Atwell-Jackson v. C.R. Bard, Inc.</i> , 2:12-cv-07787:	ECF No. 62
<i>Barner, et al., v. C. R. Bard, Inc.</i> , 2:11-cv-00055:	ECF No. 87
<i>Bosse v. C. R. Bard, Inc.</i> , 2:13-cv-2349:	ECF No. 78
<i>Campbell, et al. v. C. R. Bard, Inc.</i> , 2:11-cv-00501:	ECF No. 86
<i>Carter v. C. R. Bard, Inc.</i> , 2:11-cv-00121:	ECF No. 77
<i>Gold, et al. v. C. R. Bard, Inc.</i> , 2:14-cv-11565:	ECF No. 70

<i>Havanick v. C. R. Bard, Inc.</i> , 2:12-cv-02312:	ECF No. 68
<i>Hill v. C. R. Bard, Inc.</i> , 2:12-cv-01074:	ECF No. 85
<i>McKinstry, et al. v. C. R. Bard, Inc.</i> , 2:12-cv-00017:	ECF No. 79
<i>Pennington, et al. v. C. R. Bard, Inc.</i> , 2:11-cv-00010:	ECF No. 82
<i>Poole, et al. v. C. R. Bard, Inc.</i> , 2:13-cv-07925:	ECF No. 59
<i>White v. C. R. Bard, Inc.</i> , 2:11-cv-00234:	ECF No. 87

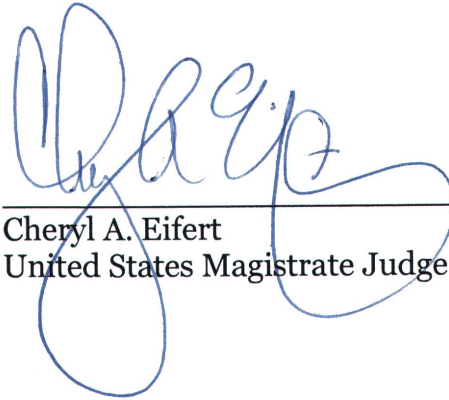
Plaintiffs filed a memorandum in opposition to the motion, to which C. R. Bard, Inc. filed a reply.¹ On February 3, 2015, the court heard oral argument on the motion. At the outset of the hearing, counsel for Plaintiffs advised the court that Dr. Klosterhalfen would not offer expert testimony in *Carter v. C. R. Bard, Inc.*, Case Number 2:11-cv-00121. Accordingly, Defendant's motion in *Carter v. C. R. Bard, Inc.* is **DENIED** as moot. With respect to the remaining cases, after considering the arguments of the parties, the court **DENIED** the motion to compel for the reasons set forth during the hearing. (See Transcript of Proceedings, ECF No. 1464, filed in MDL No. 2187).

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 2:15-cv-4098. In cases subsequently filed in this district, 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

¹ In MDL 2187, the response is located at ECF No. 1370, and the reply is at ECF No. 1399. In the individual cases, they can be found at the following docket numbers: Atwell-Jackson v. C.R. Bard, Inc., 2:12-cv-07787, ECF Nos. 68, 127; Barner, et al., v. C. R. Bard, Inc., 2:11-cv-00055, ECF Nos. 90, 147; Bosse v. C. R. Bard, Inc., 2:13-cv-2349, ECF Nos. 81, 138; Campbell, et al. v. C. R. Bard, Inc., 2:11-cv-00501, ECF Nos. 89, 147; Carter v. C. R. Bard, Inc., 2:11-cv-00121, ECF Nos. 80, 138; Gold, et al. v. C. R. Bard, Inc., 2:14-cv-11565, ECF No. 73, 131; Havanick v. C. R. Bard, Inc., 2:12-cv-02312, ECF Nos. 71, 129; Hill v. C. R. Bard, Inc., 2:12-cv-01074, ECF Nos. 88, 145; McKinstry, et al. v. C. R. Bard, Inc., 2:12-cv-00017, ECF Nos. 85, 144; Pennington, et al. v. C. R. Bard, Inc., 2:11-cv-00010, ECF Nos. 90, 151; Poole, et al. v. C. R. Bard, Inc., 2:13-cv-07925, ECF Nos. 65, 123; White v. C. R. Bard, Inc., 2:11-cv-00234, ECF Nos. 91, 151.

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 <http://www.wvsc.uscourts.gov>.

ENTERED: April 7, 2015



Cheryl A. Eifert
United States Magistrate Judge