

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

**PRETRIAL ORDER # 219
(Order re: Production of Case-Specific Information
for Certain Bard MDL Plaintiffs)**

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

- A. **Existing Cases pending as of August 1, 2016.** For every case in MDL 2187 alleging claim(s) against Covidien LP¹ (“Covidien”), Sofradim Production SAS² (“Sofradim”) and/or Tissue Science Laboratories Limited³ (“TSL”) as of August 1, 2016, that is not settled and either dismissed with or without prejudice or placed on the Inactive Docket⁴,

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 If a plaintiff in this or any other category in this PTO has a case that is not settled and either dismissed with or without prejudice or on the Inactive Docket *but* has already provided this information to Covidien, Sofradim and TSL, a plaintiff has no obligation under this PTO. In addition, this PTO places no obligation on plaintiffs with respect to any claims against the remaining defendant in this MDL, C. R. Bard, Inc.

plaintiffs are directed to provide the following information to counsel for Covidien, Sofradim and TSL on or before **September 22, 2016**:

1. Proof of product identification for Covidien, Sofradim and/or TSL product(s) for which a claim is alleged; and
2. Operative reports⁵ demonstrating implantations, revisions and/or removals of Covidien, Sofradim and/or TSL product(s) for which a claim is alleged.

Plaintiffs are instructed to email the above information to counsel for Covidien, Sofradim and TSL as follows:

MedtronicMeshClaimForms@shb.com

- B. Cases Filed or Transferred after August 1, 2016.** For cases filed in or transferred to the Bard MDL after August 1, 2016, plaintiffs with a case as described in Paragraph A that is not settled and either dismissed with or without prejudice or on the Inactive Docket must provide the above-referenced information within 30 days of filing the Short Form Complaint or transfer by the MDL Panel.

Plaintiffs are instructed to email the above information to counsel for Covidien, Sofradim and TSL as follows:

MedtronicMeshClaimForms@shb.com

- C. Cases Transferred from another MDL.** For cases transferred from another MDL pending before Judge Goodwin after the date of entry of this PTO, plaintiffs with a case as described in Paragraph A that is not settled and either dismissed with or without prejudice or on the Inactive Docket must provide the above-referenced information within 30 days of entry of the order granting a motion to transfer MDLs.

⁵ Plaintiffs shall provide the operative report *only* and need not provide other related medical records and information often associated with the operative report.

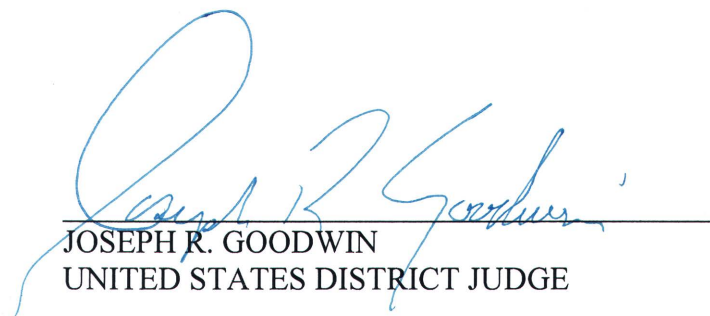
Plaintiffs are instructed to email the above information to counsel for Covidien, Sofradim and TSL as follows:

MedtronicMeshClaimForms@shb.com

- D. This PTO does not in any way relieve plaintiffs from their obligation to serve a Plaintiff Profile Form as outlined in PTO # 66 (Plaintiff Profile Forms, Plaintiff Fact Sheet, and Defendant Fact Sheets).
- E. Any plaintiff who fails to comply with this PTO may be subject to a substantial sanction, including dismissal with prejudice.

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-08519. 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 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