

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 C. R. BARD
WAVE 4, WAVE 5, AND WAVE 6 CASES:

PRETRIAL ORDER # 271
**(Order Amending PTO # 270 Directing Parties to File List of
Their Intended General Causation Experts)**

By Pretrial Order (“PTO”) # 270, I ordered each plaintiff and defendant in active cases pending in Waves 4, 5, or 6, to identify the general causation experts each party intends to proffer by filing with the court a list of such experts by January 10, 2018. I further ordered the parties to file such list in each individual case, and not in the main MDL.

Because the final deadline to disclose expert witnesses in Wave 6 is not until April 3, 2018, I must amend PTO # 270 so that it longer includes the Wave 6 cases in the January 10, 2018, filing deadline. All other provisions of PTO #270 remain in full force and effect.

In creating Waves 4, and 5, in the C. R. Bard MDL, I entered Docket Control Orders that subjected each case selected to certain limitations on discovery. Among the limitations shared between Waves 4, and 5, I stated that:

The parties may conduct general and specific expert discovery on the products at issue In light of the products involved . . . , the likelihood of overlap in expert opinion from one case to another (except as to specific causation) and the need to streamline discovery in these cases, **[the plaintiffs and each defendants are] limited to no more than five experts per case (exclusive of treating physicians)**. It is the court's expectation that these experts will overlap for plaintiffs who have the same product(s), to some extent, if not entirely.

Pretrial Order ("PTO") # 236 (Wave 4) at 2-3; and PTO # 244 (Wave 5) at 3;¹

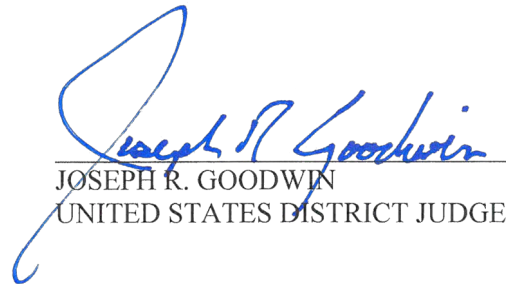
To facilitate the review of *Daubert* motions, and in furtherance of this court's prior order limiting each side to no more than five experts per case, I now order each party in all active cases currently pending in Waves 4, or 5, to identify in a filing with the court, the general causation experts each party intends to proffer. The court expects the parties to conform to the aforementioned limitation on experts and I will not allow the parties to supplement their general causation experts list without first seeking leave of court. As previously stated in the above-cited pretrial orders, I will only consider modifications to the limitations on experts upon good cause shown.

Therefore, the court **ORDERS** each plaintiff and defendant in active cases pending in Waves 4, or 5, to identify the general causation experts each party intends to proffer by filing with the court a list of such experts by **January 10, 2018**. The court further **ORDERS** the parties to file such list **in each individual case**, and not in the main MDL.

¹ *In re: C. R. Bard, Inc. Pelvic Repair System Products Liability Litigation*, No. 2:10-md-2187, <https://www.wvsc.uscourts.gov/MDL/2187/orders.html>.

The court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-2187 and in the Bard Wave 4, Wave 5 and Wave 6 cases. In cases subsequently filed in this district after 2:17-cv-04627 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: January 4, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE