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

PRETRIAL ORDER # 273
(Amended Defendant Fact Sheet)

1. Defendant Fact Sheet

a. As previously noted in Pretrial Order ("PTO") # 9 and PTO # 66, the parties reached an agreement upon the use of a form Defendant Fact Sheet ("DFS"), which was attached as Exhibit B to PTO # 9. Subsequent to the entry of PTO # 9, MDL 2187 was expanded to include certain pelvic mesh products manufactured or sold by C. R. Bard in addition to the already listed Avualta® products. With the agreement of the parties, I expanded the Plaintiff Fact Sheet ("PFS") to include the same additional products. *See* PTO # 27, PTO # 42, and PTO # 66. The DFS, however, was not expanded likewise and is limited still to only Avualta® products. *See* PTO # 66 p. 4. The court expects the PFS and DFS to be available online.

b. Upon inspection, however, the court's website for the C. R. Bard, Inc. Pelvic Repair Products Liability Litigation MDL ("MDL 2187") https://www.wvsd.uscourts.gov/MDL/2187, merely states that the DFS "will be posted." Furthermore, the DFS icon mistakenly hyperlinks to the incorrect document.

c. The court is aware that the defendants, when required to provide a DFS, have been using a DFS form similar to the previously agreed upon form attached to PTO # 9. The only material difference between the two forms is that the DFS currently used in practice is not

limited to Avualta® products like the DFS form attached to PTO # 9. A copy of the DFS currently used by the defendants is attached hereto as Exhibit A.

In order to update the court's website with the DFS currently used by the defendants in this MDL, the court **ORDERS** the Defendants Fact Sheet, attached at Exhibit A, be posted to this courts MDL 2187 website.

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 2:18-cv-00016. 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: January 8, 2018

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

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** **Plaintiff:**

DEFENDANTS' FACT SHEET

For each case, the Bard defendants must complete this Fact Sheet. Except as otherwise set forth in any Order, this Fact Sheet must be completed and served on plaintiffs' counsel in each individual case within 45 days after Defendants' receipt of Plaintiffs' Fact Sheet in each individual case.[1]

I. CASE INFORMATION

This defendant fact sheet pertains to the following case:

Case Name:

II. CONTACTS WITH TREATING AND EVALUATING PHYSICIANS

Plaintiff has identified each physician who treated and/or evaluated plaintiff for pelvic organ prolapse, stress or urinary incontinence, and/or associated conditions that led to the use of defendants' products. As to each such physician, provide the following information:

A. CONSULTATION AND OTHER NON-SALES REPRESENTATIVE CONTACTS

As to each identified physician with whom the defendants were affiliated, consulted or otherwise had contact outside the context of sales representative contacts, set forth the following:

1. Identify the physician.

2. Identity and title of each of defendants' employees who had such contact with the physician.

3. Dates of contact/affiliation with physician.

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[1] All references to the products, the defendants' product(s), the device, surgical device, or implant includes each of the defendants' polypropylene pelvic mesh products, including but not limited to Avaulta, Pelvicol, Pelvitex, Pelvisoft, Uretex, and Align.

4. Nature of the contact/affiliation with physician.

5. Set forth any monetary and/or non-monetary benefits, including but not limited to money, travel, and device samples, provided to the physician by any agent of any named defendant, including amounts, dates, and purpose.

6. For any device manufactured by any named defendant, set forth any training provided to or by the physician; including but not limited to date, location, physician's role, cost for attending such training, and subject matter.

7. List any written agreements, contracts, letters, memoranda, or other documents setting forth the terms or nature of any contact or affiliation with the physician; this includes but is not limited to any agreements to research or otherwise study any named defendant's products.

8. For each facility where the physicians were associated, set forth the number and type of Avaulta® products purchased from you.

9. Set forth any contact between the defendants and the physician with regard to the plaintiff, this includes but is not limited to any information or knowledge defendants have with respect to research studies conducted on or that include information related to plaintiff's implant or associated lot number.

10. Set forth all information provided by the physician to the defendants with regard to the safety, use, or efficacy of the defendants' product(s).

B. <u>SALES REPRESENTATIVE CONTACTS</u>

As to each sales representative who had any contact with an identified physician, set forth the following:

1. Identity of physician.

2. Identity and last known address and telephone number of sales representative.

3. The work history, with you, and current relationship, if any, between the specified defendant(s) and the sales representative.

4. Identity of the sales representative's supervisor(s) during his/her employment.

5. Set forth all information provided by the physician to the sales representative, with regard to the plaintiff.

6. Set forth the date and location of each operation or procedure performed on the plaintiff, which was attended at all by the sales representative.

7. State whether the sales representative, while employed by you, has ever been investigated, reprimanded, and/or otherwise penalized by any person, entity, or government agency for his/her sales or marketing practices, and if so set forth the details thereof.

III. INFORMATION REGARDING THE PLAINTIFF

A. Identify all data, information, objects, and reports in defendants' possession or control or which have been reviewed or analyzed by defendants, with regard to the plaintiff's medical condition; this also includes but is not limited to any study or research that includes plaintiff's specific implant or associated lot number. Attorney-work product is specifically excluded from this request.

B. Identify any direct or indirect contact, either written or oral, between the plaintiff and any employee or representative of the defendants, including but not limited to pre-operative inquiries, and post-operative complaints. This request specifically includes, but is not limited to, calls to the M.S.&S. hotline and calls to the Field Assurance Department.

C. Identify all Med Watch Adverse Event Reports and/or any other documents submitted to the FDA or any other government agency with regard to the plaintiff.

D. If you have any evidence or records indicating or demonstrating the possibility that any person, entity, condition, or product, other than the defendants and their product(s), is a cause of the plaintiff's injuries, ("Alternate Cause") set forth:

1. Identify the Alternate Cause with specificity.

2. Set forth the date and mechanism of alternate causation.

IV. MANUFACTURING INFORMATION

A. Identify the lot number(s) for the device(s) implanted into the plaintiff.

B. Identify the lot number(s) for the device(s) used to implant the defendant's device(s) into the plaintiff.

C. Identify the location and date of manufacture for each lot set forth in response to A and B above.

D. Identify the date of shipping and sale, and the person or entity purchasing, each of plaintiff's device(s).

E. Identify all manufacturing facilities and associated lot number(s) of plaintiff's implanted device(s), including but not limited to all trocars and any other surgical devices or means of implantation included or sold with plaintiff's implant(s).

V. DOCUMENTS

Please ensure that the production of documentation includes specific reference to the question to which the documentation is provided in response. Documentation is defined to include all forms of documents, including but not limited to paper, email, video, audio, spreadsheets, or otherwise.

A. Identify and attach complete documentation of all information set forth in I through IV above; except, you may identify but not serve copies of medical records that were provided to defendants by plaintiff's counsel.

B. Aside from any privileged materials, identify and attach all records, documents, and information that refer or relate to the plaintiff in defendants' possession or control, to the extent not identified and attached in response to a prior question.

C. Produce a true and complete copy of the Device History Record for the Plaintiff's lot number(s).

D. Produce a true and complete copy of the complaint file relating to the Plaintiff.

Dated: