

Minute Entry
Lisi, C.J.
March 30, 2008

**United States District Court
District of Rhode Island**

In Re: Kugel Mesh Hernia Products Liability Litigation
Multidistrict Litigation (MDL 1842)

MDL DOCKET NO. 07-1842-ML
All Cases

The monthly status conference was held on March 10, 2008. The conference was transcribed. The Court met with counsel and other parties and discussed the items listed on the amended agenda (docket # 439).

Resolution of Duplicative Lawsuits Filed in Federal and State Court

Clay Federal court (Williams Kherkher) case will remain.
Smith Federal court (Williams Kherkher) case will remain.
Rosa The matter has not yet been resolved.
Blair, Gutierrez, Hammonds Federal court cases will remain.

Discovery – 10 Early Neutral Evaluation/Settlement Cases

FRCP 30(b)(6) depositions are occurring. Defense counsel has requested deposition dates for Plaintiffs and treating physicians. Plaintiffs' counsel has also requested depositions of a number of Defendants' "headquarter" employees. Defense counsel is working on complying with this request. Plaintiffs' counsel has requested depositions of sales representatives and district managers in the geographic areas of the evaluation/settlement cases. Defense counsel estimated that this would involve approximately 32 depositions, however, the parties are discussing the possibility of reducing the number of depositions. Sales representatives will be made available in Washington D.C. for convenience of the parties. Plaintiffs' counsel has also requested the deposition of Davol's president and Defense counsel has moved for a protective order. Defense counsel estimated that approximately 78 depositions will occur over the next 82 days.

The parties will discuss the files of sales representatives to be made available to Plaintiffs' counsel in advance of the applicable depositions. The parties will attempt to develop a schedule setting deadlines for the taking of depositions.

General Discovery

Defense counsel reported that 208 Plaintiffs' fact sheets were due last week. Defense

counsel assumed that the majority of the fact sheets had been received and the review process has begun. Defense counsel is responding to Plaintiffs' master discovery request. The parties suggested that a stipulation would be filed extending Defendants' response deadline to April 4, 2008. Defendants document production is ongoing. Plaintiffs' counsel has filed a motion with respect to the form and format of discovery. The response time on the motion will be extended by stipulation of the parties.

Status of Briefing issues on Settlement Notification and Approval Process

Plaintiffs' counsel to file motion by March 14. Defense counsel to respond within 10 days of Plaintiffs' filing. No reply will be allowed.

Liaison Counsel Notification Issue with Respect to Defense Counsel Communication with Individual Plaintiffs

The parties are discussing the issue.

Exclusion of Mathien matter from Class Action Complaint

The Master Class Action complaint caption did not include Mathien which is a class action complaint. Plaintiffs' counsel to dismiss the class action complaint in Mathien and Plaintiffs' counsel is working on filing the necessary documents. The parties are also discussing a discovery matter in Mathien.

Pending Motions Update

The Court informed the parties that the monthly listing of outstanding motions is extremely helpful. The parties should continue to submit the pending motions listing with the monthly agenda items submission.

Motions Set for Hearing

Plaintiffs' motion for remand in Patillo was removed from the calendar as a result of a stipulation by the parties. After the conference, the Court (Judge Lisi) held a hearing on Plaintiffs' motion for entry of a preservation order (docket # 250). Judge Lisi denied Plaintiffs' motion. After the conference, the Court (Magistrate Judge Almond) held a hearing on Defendants' motion for a protective order (docket # 294) and Plaintiffs' motion to compel (docket # 255). Magistrate Judge Almond took the matters under advisement and an order will follow.

Hernia Conference

Plaintiffs' counsel informed the Court that a Hernia Conference was taking place in Arizona during the week of March 10. Plaintiffs' counsel informed the Court that Davol was one of the sponsors of the conference and that a treating physician in this case was speaking at the conference. Plaintiffs' counsel expressed his concern with regard to communications with a treating physician. Defense counsel informed the Court that if the treating physicians' presentation is recorded, and Defense counsel has access to it, Defense counsel will provide a copy of the recording to Plaintiffs' counsel.

Next Meeting

April 10, 2008, at 1:00 p.m. in Room 307 in United States District Courthouse,
Providence, Rhode Island.